# DOCUMENT RESUME

ED 147 034 PS 009 696

| | |
|---|---|
| TITLE | Opportunities for Adoption Act of 1977. Hearing Before the Subcommittee on Child and Human Development of the Committee on Human Resources, United States Senate, Ninety-Fifth Congress, First Session on S. 961 to Promote the Healthy Development of Children Who Would Benefit From Adoption by Facilitating Their Placement in Adoptive Homes, and for Other Purposes. |
| INSTITUTION | Congress of the U.S., Washington, D.C. Senate Committee on Human Resources. |
| PUB DATE | 4 Apr 77 |
| NOTE | 340p.; Not available in hard copy due to small print size of many sections; Many sections in appendix of the original document are copyrighted and therefore not available. They are not included in the pagination |
| EDRS PRICE | MF-$0.83 Plus Postage. HC Not Available from EDRS. |
| DESCRIPTORS | *Adoption; Child Welfare; *Federal Legislation; *Financial Support; Handicapped Children; Social Services; *Standards; *State Federal Aid |

ABSTRACT

Presented are the proceedings of the April 4, 1977 hearing before the Subcommittee on Child and Human Development of the U.S. Senate Committee on Human Resources on the Opportunities for Adoption Act of 1977. Included are the text of bill S. 961 and statements, letters of support and background material presented to the committee. Pertinent articles from newspapers, law reviews and other sources are listed but the texts are not included because of copyright restrictions. (SB)

***********************************************************************
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
***********************************************************************

ED147034

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

# OPPORTUNITIES FOR ADOPTION ACT OF 1977

---

## HEARING

BEFORE THE

## SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT

OF THE

## COMMITTEE ON HUMAN RESOURCES
## UNITED STATES SENATE

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

## S. 961

TO PROMOTE THE HEALTHY DEVELOPMENT OF CHILDREN WHO WOULD BENEFIT FROM ADOPTION BY FACILITATING THEIR PLACEMENT IN ADOPTIVE HOMES, AND FOR OTHER PURPOSES

---

APRIL 4, 1977

BEST COPY AVAILABLE

PS009696

Printed for the use of the Committee on Human Resources

U.S. GOVERNMENT PRINTING OFFICE
91-279 O
WASHINGTON : 1977

## COMMITTEE ON HUMAN RESOURCES

HARRISON A. WILLIAMS, Jr., New Jersey, *Chairman*

| | |
|---|---|
| JENNINGS RANDOLPH, West Virginia | JACOB K. JAVITS, New York |
| CLAIBORNE PELL, Rhode Island | RICHARD S. SCHWEIKER, Pennsylvania |
| EDWARD M. KENNEDY, Massachusetts | ROBERT T. STAFFORD, Vermont |
| GAYLORD NELSON, Wisconsin | ORRIN G. HATCH, Utah |
| THOMAS F. EAGLETON, Missouri | JOHN H. CHAFEE, Rhode Island |
| ALAN CRANSTON, California | S. I. HAYAKAWA, California |
| WILLIAM D. HATHAWAY, Maine | |
| DONALD W. RIEGLE, Jr., Michigan | |

STEPHEN J. PARADISE, *General Counsel and Staff Director*
MARJORIE M. WHITTAKER, *Chief Clerk*
JAY B. CUTLER, *Minority Counsel*

---

### SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT

ALAN CRANSTON, California, *Chairman*

| | |
|---|---|
| DONALD W. RIEGLE, Jr., Michigan | S. I. HAYAKAWA, California |
| HARRISON A. WILLIAMS, Jr., New Jersey (ex officio) | |

SUZANNE MARTINEZ, *Counsel*
JACKSON M. ANDREWS, *Minority Counsel*

# CONTENTS

Page

Text of S. 961 .......... 3

## CHRONOLOGICAL LIST OF WITNESSES

### MONDAY APRIL 4, 1977

Martinez, Hon. Arabella, Assistant Secretary for Human Development, Department of Health, Education, and Welfare, accompanied by Saul Rosoff, Acting Director, Office of Child Development .......... 20
Cole, Elizabeth S., director, North American Center on Adoption, the Child Welfare League, Inc., New York, N.Y .......... 46
Adcock, Gerald, North American Council on Adoptable Children, Detroit, Mich .......... 53
Forsythe, Peter W., vice president, Edna McConnell Clark Foundation, New York, N.Y .......... 63
Higley, Richard E., director of placement services, Office of Children and Youth Services, Michigan Department of Social Services, Lansing, Mich .......... 80
Ahmann, Mathew, associate director, National Conference of Catholic Charities .......... 92
Flynn, H. Joseph and Laurie M., adoptive parents .......... 115
Haussling, Ruthann and Henry, adoptive parents .......... 123
Tucker, Allen and Meg, adoptive parents .......... 127

## STATEMENTS

Adcock, Gerald, North American Council on Adoptable Children, Detroit, Mich .......... 53
  Prepared statement .......... 55
Ahmann, Mathew, associate director, National Conference of Catholic Charities .......... 92
  Prepared statement .......... 94
Cole, Elizabeth S., director, North American Center on Adoption, the Child Welfare League, Inc., New York, N.Y .......... 46
  Prepared statement .......... 48
Edna McConnell Clark Foundation, New York, N.Y., Peter W. Forsythe, vice president, prepared statement .......... 66
Flynn, H. Joseph and Laurie M., adoptive parents .......... 115
  Prepared statement .......... 119
Forsythe, Peter W., vice president, Edna McConnell Clark Foundation, New York, N.Y .......... 63
  Prepared statement .......... 66
Haussling, Ruthann and Henry, adoptive parents .......... 123
Higley, Richard E., director of placement services, Office of Children and Youth Services, Michigan Department of Social Services, Lansing, Mich .......... 80
  Prepared statement .......... 84
Martinez, Hon. Arabella, Assistant Secretary for Human Development, Department of Health, Education, and Welfare, accompanied by Saul Rosoff, Acting Director, Office of Child Development .......... 20
Michigan Department of Social Services, Office of Children and Youth Services, placement services division, Richard E. Higley, director, prepared statement .......... 84
North American Center on Adoption, Elizabeth S. Cole, director, prepared statement .......... 48
National Conference of Catholic Charities, Mathew Ahmann, associate director, prepared statement .......... 94
North American Council on Adoptable Children, Gerald B. Adcock, chairman, public policy committee, prepared statement .......... 55
Tucker, Allen and Meg, adoptive parents .......... 127

### ADDITIONAL INFORMATION

Page

- Articles, publications, etc.:
  - Number of Children Awaiting Adoption and Parents Available for Adoption in Virginia ........ 142
- Communications to:
  - Cranston, Hon. Alan, a U.S. Senator from the State of California, from Mathew Ahmann, associate director, National Conference of Catholic Charities, Apr. 4, 1977 ........ 114
- Questions and answers:
  - Responses of Arabella Martinez to questions submitted by Senator Cranston ........ 36

## APPENDIX

### ADDITIONAL STATEMENTS

- American Academy of Pediatrics, committee on adoption and dependent care, prepared statement ........ 148
- American Citizens Concerned for Life, Marjory Mecklenburg, president, prepared statement ........ 154
- American Legion, national children and youth commission, Ray Patterson, director, prepared statement ........ 151
- Association on American Indian Affairs, Inc., prepared statement ........ 173
- National Urban League/Interagency Adoption Project, prepared statement ........ 157

### LETTERS OF SUPPORT

- Cranston, Hon. Alan, a U.S. Senator from the State of California, from:
  - Bradely, Ovelmar, administrative staff, Criminal Justice Coordinating Council for the Compton Judicial District, Carson, Calif., June 3, 1977 ........ 195
  - Bjork, Kenneth, committee chairman, Lutheran Adoption Services, Detroit, Mich., May 31, 1977 ........ 197
  - Caldwell, Richard and Patricia, co-presidents, Council on Adoptable Children of Greater Philadelphia, Gwynedd, Pa., Apr. 20, 1977 (with enclosure) ........ 193
  - Conroy, Rev. Donald, representative for family life, United States Catholic Conference, Washington, D.C., June 15, 1977 ........ 196
  - Cowles, John C., director, Spaulding for Children—Beech Brook, Cleveland, Ohio, Apr. 21, 1977 ........ 190
  - Hendrick, Rev. Msgr. Frank J., director, Catholic Diocese of Arlington, Va., April 4, 1977 ........ 229
  - Johnson, Carolyn, executive director, Delaware Valley Adoption Council, Philadelphia, Pa., Apr. 22, 1977 ........ 186
  - Kane, Robert J., executive director, committee on criminal justice, Commonwealth of Massachusetts, Apr. 7, 1977 ........ 183
  - Norton, Barbara E., chairperson of adoptive care bill committee, New Hampshire Action Committee for Foster Children, Mar. 30, 1977 ........ 185
  - Nyenhuis, Hudson J., chairman, federation adoption committee, Michigan Federation of Private Child and Family Agencies, Lansing, Mich., Apr. 25, 1977 ........ 192
  - O'Donnell, Mrs. Edward T., chairman, public social policy committee, Children's Bureau of Delaware, Wilmington, Del., May 5, 1977 ........ 191
  - Pancost, Richard O., executive director, Children's Home Society of California, Los Angeles, Calif., May 4, 1977 (with enclosure) ........ 224
  - Regan, Thomas, president, Parsons Child and Family Center, Albany, N.Y., Apr. 22, 1977 (with enclosure) ........ 188
  - Saner, Robert J. II, counsel, Family Service Association of America, April 8, 1977 ........ 230
  - Schlosser, Donald H., acting director, Illinois Department of Children and Family Services, Apr. 15, 1977 ........ 182
  - Taylor, Joseph L., ACSW, executive director, Association for Jewish Children of Philadelphia, Apr. 22, 1977 ........ 187
  - Thompson, Llewellyn E. II, attorney at law, Oakland, Calif., April 13, 1977 (with enclosure) ........ 198
  - Weaver, Edward T., executive director, American Public Welfare Association, Washington, D.C., April 13, and July 11, 1977 ........ 222, 223
  - Weeks, Neville B., program specialist, Agency Placements for Adoption, Department of Welfare, Richmond, Va., April 13, 1977 ........ 227

## ARTICLES

Page
Adoption Information: Philadelphia Area Agencies ........ 194
Destruction of American Indian Families, editorial notes, from Social Casework, May 1977 Vol. 58, No. 5, from the Family Service Association of America ........ 178
"Fragmenting" Children, by Tom Wicker, the New York Times, May 8, 1977 ........ 236
Homeless Children Look to Congress, by J. F. terHorst, Detroit News, May 15, 1977 ........ 237
Homes for the "Unadoptable", from the New York Times, Apr. 22, 1977 ........ 235
They Ask Aid to Adopt Children No One Wants, by Mary McGrory ........ 234
Wait No More, from the National Urban League, Inc., Interagency Adoption Project ........ 165
While Children Wait, by Tom Wicker, from the New York Times, June 26, 1977 ........ 238

## BACKGROUND MATERIAL

Adopting Children with Special Needs, excerpts from, edited by Patricia Kravik, sponsored by North American Council on Adoptable Children ........ 240
Ethical Restraints on Attorneys Participating in Black Market Adoptions, American Law Division, Congressional Research Service, Library of Congress ........ 370
Interstate Compact on the Placement of Children, American Public Welfare Association, Washington, D.C. ........ 322
Obstacles to Interstate Adoption, excerpts from, by Roberta Hunt, Child Welfare League of America, Inc. ........ 288
Pertinent State Statutes Concerning Child Placement in Adoption Proceedings, Congressional Research Service, Library of Congress ........ 376
Subsidized Adoption, Jean Yavis Jones, Education and Public Welfare Division, Congressional Research Service, Library of Congress ........ 336

## LAW REVIEW ARTICLES

Abolishing Baby Buying: Limiting Independent Adoption Placement, by Hon. Alfred L. Podolski, chief judge, Probate Courts of the Commonwealth of Massachusetts, from Family Law Quarterly, 1975 ........ 416
Black Market Adoptions, 22 Catholic Lawyer, 48, 1976 ........ 388
Foster Care and Adoptions: Some Key Policy Issues, Committee Print, Subcommittee on Children and Youth 94th Congress, 1st Session, August 1975 ........ 443
Independent Adoption: The Case for the Gray Market, by Daniel G. Grove, from Villanova Law Review, Fall, 1976 ........ 339
Lawyers and Adoption: The Lawyer's Responsibility in Perspective, by Alex Elison of the Illinois Bar, and Miriam Elson, from 41 A.B.A.J. 1125, 1955 ........ 410
Moppets on the Market: The Problem of Unregulated Adoptions, from the Yale Law Journal, 1950 ........ 421

# OPPORTUNITIES FOR ADOPTION ACT OF 1977

---

MONDAY, APRIL 4, 1977

U.S. SENATE,
SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT
OF THE COMMITTEE ON HUMAN RESOURCES,
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 9:15 a.m., in suite 1114, Dirksen Senate Office Building, Senator Alan Cranston (chairman of the subcommittee) presiding.

Present: Senators Cranston, Riegle, and Hayakawa.

Senator CRANSTON. The hearing will please come to order.

This morning's hearing marks an occasion. It represents the first hearing called by the newly designated Child and Human Development Subcommittee. I am honored to have been named chairman of this new subcommittee and to follow in the footsteps of the former chairman of the predecessor subcommittee devoted to the needs of children, now Vice President Walter F. Mondale.

It is significant that this morning's hearing, the first to be called by me as chairman of the subcommittee, is to be devoted to consideration of S. 961, the proposed Opportunities for Adoption Act of 1977.

This is legislation I feel strongly about, and on which I have been working for 4 years now. My good friend and colleague from California, Representative Yvonne Burke, introduced the companion measure, H.R. 5550, in the other body on March 23.

My goal, as I indicated in my March 9, 1977, introductory remarks, is to have the Opportunities for Adoption Act counted among the early public laws to be enacted under the Carter administration.

This is not a new piece of legislation—I want to emphasize that. I first introduced the Opportunities for Adoption Act in 1974, after extensive preparatory work.

During the summer of 1975, 4 days of hearings were called by the chairman of the former Subcommittee on Children and Youth, to explore and examine problems and policies affecting adoption, including those proposals in the Opportunities for Adoption Act.

During the closing months of the 94th Congress, we intensified our efforts to secure Senate passage of the bill.

Unfortunately, due to the extraordinary rules under which we were operating in order to adjourn before the November elections, we were unsuccessful in our efforts.

During those months, our staffs met extensively with experts in the field of adoption to hammer out refinements in the initially proposed legislation. Those changes are reflected in S. 961.

I will be asking our witnesses this morning—each of whom possesses a wealth of knowledge and understanding about the adoption process in the United States—not only to comment generally on S. 961, but to make any suggestions for further refinements.

[The text of S. 961 follows:]

95th CONGRESS
1st Session

# S. 961

---

IN THE SENATE OF THE UNITED STATES

March 9 (legislative day, February 21), 1977

Mr. Cranston (for himself, Mr. Williams, Mr. Riegle, Mr. Randolph, Mr. Pell, Mr. Brooke, Mr. Church, Mr. Durkin, Mr. Humphrey, and Mr. Inouye) introduced the following bill; which was read twice and referred to the Committee on Human Resources

---

# A BILL

To promote the healthy development of children who would benefit from adoption by facilitating their placement in adoptive homes, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Opportunities for Adoption Act of 1977".

## FINDINGS AND DECLARATION OF PURPOSE

Sec. 2. The Congress hereby finds that many thousands of children remain in institutions or foster homes solely because of legal and other barriers to their placement in permanent adoptive homes; that the majority of such children are of school age, handicapped, or both; that adoption may be the best alternative for assuring the healthy development of such children; that there are qualified persons seeking to adopt such children who are unable to do so because of barriers to their placement; and that in order both to enhance the stability and love of the child's home environment and to avoid wasteful expenditures of public funds, such children should not be maintained in foster care or institutions when adoption is appropriate and families for them can be found. It is, therefore, the purpose of this Act to facilitate the elimination of barriers to adoption and to provide permanent and loving home environments for children who would benefit by adoption, particularly children with special needs, by—

(1) promoting the establishment of uniform adoption regulations in the States and territories of the United States in order to eliminate jurisdictional and legal obstacles to adoption;

(2) providing Federal financial assistance to States for the purpose of assisting certain public and private nonprofit agencies and certain adoptive and prospective adoptive parents in meeting certain costs of adoption in order to remove or alleviate the financial obstacles which present serious barriers to securing permanent and loving home environments for children who would benefit by adoption; and

(3) providing for the establishment of a National

Office of Adoption Information and Services in the Department of Health, Education, and Welfare to (A) promote quality standards for adoption services (including preplacement and postplacement and postadoption counseling and standards to protect the rights of children in need of adoption) and (B) provide for a national adoption information exchange system to bring together children who would benefit by adoption and qualified prospective adoptive parents who are seeking such children.

COMMITTEE ON UNIFORM ADOPTION REGULATIONS

SEC. 3. (a) The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") shall appoint a Committee on Uniform Adoption Regulations (hereinafter referred to as the "Committee") to be composed of not less than eleven nor more than seventeen members generally representative of public and voluntary groups interested and with expertise and experience in facilitating the achievement of the purposes of this Act (including, but not limited to, national, State, and local child welfare organizations (including those representative of minorities) and adoptive parent organizations) and the Director of the Office of Adoption Assistance established under section 5(a).

(b) The Committee shall—

(1) review current conditions, practices, and laws

relating to adoption, with special reference to their effect on facilitating or impeding the finding of suitable adoptive homes for children who would benefit by adoption and the completion of suitable adoptions for such children;

(2) propose to the Secretary uniform adoption regulations which would facilitate adoption; and

(3) report its proposals to the Congress and the President not later than nine months after the date on which the members of the Committee have been appointed.

(c) Following receipt of the Committee's proposals, but not later than six months thereafter, the Secretary shall publish the proposed uniform adoption regulations in the Federal Register for comment and, after soliciting and giving due consideration to the comments of interested individuals, groups, and organizations and consulting further with the Committee, shall issue and publish final uniform adoption regulations which shall apply in connection with the administration of the grant program established pursuant to section 4. Nothing in such uniform adoption regulations shall be deemed to conflict with the provisions of any interstate compact in operation pursuant to which States are making, supervising, or regulating placements of children, and no State shall be denied a grant under section 4 because of its participation in or implementation of any such compact.

(d) Members of the Committee, other than those regularly employed by the Federal Government, while serving on business of the Committee, shall be entitled to receive compensation at a rate not in excess of the daily equivalent of the rate payable to a GS–18 employee under section 5332 of title 5, United States Code, including traveltime; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently.

GRANTS FOR ADOPTION ASSISTANCE AND SERVICES

SEC. 4. (a) The Secretary, in accordance with regulations which he shall prescribe and giving due consideration to the needs of each State and to the needs of particular population groups within each State, shall make grants to States for allocation, by State agencies principally responsible for services to families and children, to public and private nonprofit adoption agencies which meet standards of quality prescribed pursuant to section 5(b)(5) for the purpose of assisting such agencies in facilitating the adoption of children with special needs. Funds provided in such grants shall be used for meeting part of the cost of some or all of the following services:

(1) The adoptive placement of children with special

needs and the training and support of necessary staff (including identifying children in need of adoption, locating and counseling their biological and legal parents, freeing appropriate children for adoption, locating suitable homes for such children, and providing preplacement, postplacement, and postadoptive counseling and other special services to children with special needs, and to prospective and actual adoptive parents and other family members) without regard to the location of the agency serving the prospective adoptive parents.

(2) The provision of prenatal, natal, and postpartum services to women who are voluntarily planning to place their children for adoption and who are unable to assume such costs, in order to protect the health and welfare of both the woman and child; but only to the extent that assistance under other Federal or State programs in the community in question is not readily available to provide adequately for such services.

(3) The provision of assistance to children with special needs by—

(A) assisting prospective adoptive parents, who would consider adoption but for their financial inability to meet a child's needs, in defraying the placement, post-placement, and post-adoption cost of supporting children with special needs, in amounts of assistance determined by the Secretary to be adequate to enable such adoptive parents to adopt such children (including payment for legal fees and court costs); and

(B) assisting adoptive parents in locating and, where appropriate, defraying the cost of, post-placement and post-adoption special services to children requiring such services as a result of conditions which existed prior to their placement or adoption, up to an amount not exceeding the amount which similar services would cost the State in question were it to provide or secure appropriate services as the guardian of such children. In no event may the amount of Federal financial assistance provided to any State for the purpose of providing assistance pursuant to clause (3) of this subsection exceed the per centum of the total cost of such assistance which would have been applicable for such service or support had such children remained in foster or institutional care.

(b) The Secretary, in cooperation with State agencies principally responsible for services to families and children, shall ensure that the following requirements are met in the provisions of assistance pursuant to clause (3) of subsection (a) of this section:

(1) Reviews of the need, as certified by the adoptive

parent, for continuing, and the adequacy of, such assistance shall be made not less than annually.

(2) Assistance shall be made only pursuant to an adoption assistance agreement entered into by the adoptive parents prior to completion of the adoptive process. Such agreement may provide that assistance payments may be made before such adoption becomes final.

(3) In determining the appropriate amount of assistance to be provided, due consideration shall be given to the recommendations of any adoption agency through which assistance under this section is provided and which is presently supporting the child in question in foster care or institutional care, and of the prospective adoptive parents.

(4) A system shall be established in such State under which the foster parents providing care to a child in need of adoption will be notified of the possibility of the provision of the financial assistance for adoptive placement authorized by this section if it appears to be in the child's best interest to remain in the home of such foster parents. If such parents wish to file application to adopt the child and are found, after study, to be appropriate adoptive parents for the child but for their financial inability to meet the child's needs, they shall be provided (A) all necessary assistance in completing the legal and procedural requirements necessary to effectuate adoption, and (B) appropriate assistance, includ-

ing payment for legal fees and court costs, pursuant to an adoption assistance agreement.

(c) The Secretary shall take such steps as he deems necessary to encourage and facilitate the consideration of comprehensive adoption assistance legislation by those States which have not enacted such legislation.

(d) The Secretary, in carrying out the provisions of subsection (a) of this section, shall insure that at such time as the final uniform regulations referred to in section 3 (c) are published in the Federal Register, only States adopting and implementing, within an appropriate period of time which he shall determine, programs consistent with such regulations shall remain eligible for grants under this section.

(e) For the purposes of this Act—

(1) the term "children with special needs" means those children who are in special circumstances either (A) because they have established significant emotional ties with prospective adoptive parents while in the care of such parents as a foster child, or (B) because they are not likely to be adopted by reason of one or more factors such as physical or mental disability, emotional disturbance, recognized high risk of physical or mental disease, age, sibling relationship, or racial or ethnic factors;

(2) the term "adoptive parents" includes single persons able to meet the needs of prospective adoptive children;

(3) the term "special services to children" includes such special educational, social, medical, dental, surgical, physical therapy, mental health, and other services as are necessary to assure the well-being of children with special needs, to the extent that such special services relate to the factors set forth in subsection (c) (1) of this section; and

(4) the term "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any Indian tribe as that term is defined in section 102(5) of the Older Americans Act of 1965, as amended.

(f) Notwithstanding any other provision of law, (1) no child receiving assistance under any other law prior to such child's adoptive placement or adoption assisted pursuant to this Act shall be deemed ineligible for such assistance solely by reason of such placement or adoption if the adoption agency in question certifies the need for the child to continue to receive such assistance; and (2) no assistance provided to adoptive parents or prospective adoptive parents pursuant to this Act shall be taken into account as income, receipts, or resources for purposes of determining the eligibility of such parents or their respective adopted child for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal financial assistance.

(g) No financial assistance for any program under this Act shall be provided unless the grant, contract, or agreement with respect to such program specifically provides satisfactory assurances that such financial assistance will be used so as to supplement and increase the level of State and local funds expended for such purposes and in no case to supplant such State and local funds.

(h) Each State shall provide in its application for financial assistance under subsection (a) of this section satisfactory assurances that it will participate in the adoption information exchange system established pursuant to section 4(b)(6).

### ESTABLISHMENT OF THE NATIONAL OFFICE OF ADOPTION INFORMATION AND SERVICES

SEC. 5. (a) There is hereby established in the Office of the Secretary a National Office of Adoption Information and Services (hereinafter referred to as the "Office") which shall be headed by a Director (hereinafter referred to as the

"Director") who shall be appointed by the Secretary or his designee. The Office shall be the principal agency for carrying out the provisions of this title.

(b) It shall be the duty of the Director, in accordance with regulations which he shall prescribe, to—

(1) provide for the establishment of a national adoption data gathering, tracking, and analysis system;

(2) conduct a continuous educational program on adoption, including making grants to public and nonprofit private agencies and organizations, and to prepare, publish, and disseminate to all interested parties, private and public agencies and organizations (including, but not limited to, hospitals, health and family planning clinics, pregnancy counseling agencies, and social service agencies), and governmental bodies, information and educational materials regarding adoption and adoption assistance programs;

(3) conduct a program of grants and contracts to public and private nonprofit agencies and organizations for the demonstration of methods and programs to enhance the ability of families at risk to care for their children in their own home and to prevent the inappropriate or lengthy placement of children in foster care;

(4) measure and evaluate the impact of the programs authorized by this Act and, not later than ninety

days after September 30 of each year, prepare and submit to the Secretary, for transmittal to the President and the Congress, a report on such evaluation, which shall include, but not be limited to (A) the number of children placed in adoptive homes during the year preceding the annual report and the number of such children placed under adoption assistance agreements and the major characteristics of such children; and (B) estimates of the number of children currently in foster care and other custodial public or private institutions who have been in such status for six months or more, and the legal status of such children with respect to guardianship;

(5) insure that adoption agencies receiving assistance pursuant to this Act subscribe to standards of quality, in accordance with rules and regulations which he shall prescribe, for adoption services (including preplacement, postplacement, and postadoption counseling and standards to protect the rights of the children in question) and comply with the provisions of section 4(g);

(6) notwithstanding any other provision of law, provide for (A) the operation of, and take steps to insure the participation of States receiving grants under section 4(a) in, a national adoption information exchange system (including appropriate information neces-

sary to facilitate the adoptive placement of children, utilizing computers and data processing methods to assist in the location of children who would benefit by adoption and in the placement in adoptive homes, of children awaiting adoption) and (B) the coordination of such system with similar State and regional systems; and

(7) coordinate and consult with other appropriate Federal departments and agencies with respect to the services and benefits provided under programs carried out by such departments and agencies and those provided for under this Act, and seek to coordinate, and advise the Secretary with respect to the coordination of, such aspects of all other programs within the Department of Health, Education, and Welfare as relate to the purposes and provisions of this Act.

SEC. 6. (a) The Secretary and the Attorney General of the United States shall jointly provide for a study designed to determine the nature, scope, and effects of the interstate (and, to the extent feasible, intrastate) placement of children in adoptive homes (not including stepparents or relatives of the child in question) by persons or agencies which are not licensed by or subject to regulation by any governmental entity. Such study shall attempt to determine—

(1) the number of children placed each year by such persons and agencies;

(2) the characteristics of such children (including their age and special needs and the socio-economic level of their biological parents);

(3) the methods by which adoptive parents are located and deemed to be qualified to adopt children;

(4) the characteristics of the families which adopt such children (including their ages and socio-economic characteristics, the way in which they learned of the child's availability for adoption, and the number of adoptive and biological children already in the family);

(5) the effect of such placement on the well-being of the children and any siblings in the adoptive family;

(6) the extent to which fees are charged for such adoption-related services and the amount of such fees;

(7) the extent to which such placement activities comply with or violate applicable laws; and

(8) the effectiveness of existing laws or mechanisms, including the interstate compact on the placement of children, in protecting the interests of such children and meeting their physical, mental, psychological, emotional, and other needs.

(b) Not later than two years after the date of the enactment of this Act, the Secretary and the Attorney General shall submit to the Congress a report on the results of such study, together with any legislative recommendations deemed appropriate.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) There are authorized to be appropriated to carry out the purposes and provisions of this Act, $20,000,000 for the fiscal year ending September 30, 1978, and such sums as may be necessary for such purposes, except as provided in subsection (b) of this section, for the succeeding three fiscal years.

(b) Of the amounts appropriated for any fiscal year in excess of $10,000,000 under subsection (a) of this section, not less than $2,000,000 shall be used for the purpose of carrying out the provision of section 5(b)(3) and 6.

Senator **Cranston**. I would like, briefly, to describe the provisions of S. 961. Section 2 sets forth the findings and declaration of the purpose of the act, to facilitate the removal of barriers to interstate adoption, and the placement in permanent adoptive homes of children with special needs.

Section 3 provides for the establishment of a Committee on Uniform Adoption Regulations, to promulgate procedures which, when agreed to by each of the States, will result in uniformity of State adoption practices and facilitate interstate placement of children.

Section 4 provides for grants for adoption assistance and services to States, including Indian tribes, for allocation to approved adoption agencies.

Adoption of the regulations promulgated by the committee under the previous section, when approved, will become conditions for approval of continued grant awards.

Authority is provided for the financing of adoption subsidy agreements, a practice whereby the special costs required to meet the needs of children with special needs will be borne by the State, as they would be if the child were in foster care or institutionalized, but the child would have the benefit of being adopted and placed in a permanent family situation.

These subsidy costs have proven to be much less than if the child remained in foster care or an institution. Safeguards for the use of these funds are included in this section.

Section 5 provides for the establishment of a National Office of Adoption Information and Services in HEW. The office would administer the provisions of this act and evaluate their results, as well as carry out and promote educational programs related to adoption. The office will provide for a national adoption information exchange system, to facilitate locating adoptive parents for children with special needs, and for a tracking system for children in foster care.

It will seek to coordinate the programs established by this act with other Federal programs.

Section 6 mandates an HEW/Justice Department study, to determine the nature, scope, and effects of interstate and, to the extent feasible, intrastate, adoptive placements, which are not licensed by or subject to regulation by any government entities—black market adoptions.

Section 7 provides authorization for appropriations for carrying out the act—$20 million for the first year, and such sums as may be necessary for the succeeding 3 fiscal years, beginning in fiscal year 1978.

I am pleased that joining me in cosponsoring S. 961 are the chairman of the Human Resources Committee, Senator Williams, and our new majority member of the subcommittee, Senator Riegle, as well as Senators Randolph, Pell, Durkin, Brooke, Church, Humphrey, and Inouye.

I am hopeful that as the bill progresses through the Senate, we will have additional Members joining us in cosponsorship.

I would like now to welcome our witnesses. Our first witness this morning is Hon. Arabella Martinez, Assistant Secretary for Human Development of the Department of Health, Education, and Welfare, a Californian and a friend.

Next, we have representatives from both public and private adoption agencies, members of national adoption projects, and parents who have experienced the joys and pains of the adoption process.

I welcome you here. I want to thank you for sharing with us your experience and your expertise. Arabella, I am delighted you are here. Would you now please proceed?

## STATEMENT OF ARABELLA MARTINEZ, ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY SAUL ROSOFF, ACTING DIRECTOR, OFFICE OF CHILD DEVELOPMENT

Ms. **Martinez.** Thank you very much, Senator.

Mr. Chairman and members of the subcommittee, I am pleased to appear before you today to discuss our mutual concern and ideas for improving the lives of those children who remain in foster care too long, when they should be returned home or placed in adoptive homes.

These are the children for whom special action must be taken to carry out the expressed wishes of both President Carter and Secretary Califano, to insure that all children have the opportunity to grow to adulthood in permanent families.

We estimate that there are 90,000 to 120,000 children now in foster care who are or should be free for adoption, and who should be placed in adoptive homes. Few children need to be considered unadoptable, so long as there are ways to match children in need of adoption with adoptive parents, there are systems to help workers manage their caseloads, and the extra costs of rearing these children are subsidized.

As you know, we have been working in the area of subsidized adoption for several years. We developed a Model State Subsidized Adoption Act, which we have been disseminating to the States. We strongly believe that adoption should be an option for all children not in permanent families, including those who need a whole array of social and medical support services.

For this reason, we have worked with the States to encourage them to enact or improve a subsidized adoption program in their State, so that special needs or hard to place children can be provided with permanent homes.

There are now 41 States and the District of Columbia with subsidized adoption acts. Unfortunately, however, many of them have limited grounds for subsidy, and have income means tests which potential adoptive parents must meet to be eligible for a subsidy. In fact, some States have done little to make their programs operational and they exist largely in name only.

As you know, at the present time HEW is deeply involved in welfare reform. Concurrent with our concern over welfare reform, we are focusing on means to relate comprehensive social services to welfare money payments in a way that would maximize the impact of such services and minimize fragmentation and duplication of effort.

In this context, S. 961 has laudable objectives but represents an approach which we believe would further fragment the delivery of social services by creating yet another program with separate authorization, separate appropriation, separate regulations, and separate standards.

I have recently been assigned program authority over title XX and title IV-B, Child Welfare Services, in addition to my responsibilities for the Children's Bureau and the Office of Child Development.

Title XX is spending $27 million this year on adoption services. While these expenditures are not in the form of subsidies, certainly any operating subsidy program should be coordinated with them.

We must also look at how subsidized adoption fits into this configuration to most effectively provide the child with an adoptive home, and at the same time, relieve low-income adoptive parents of the financial burdens and provide them with the supportive assistance they need.

A program of Federal financial participation in subsidized adoptions certainly deserves serious consideration. We know that one reason for Federal financial participation in adoption subsidies for hard to place children is to assure that other federally supported social and medical services continue to be available to the child.

Medical expenses, for example, can be more costly than routine maintenance of a handicapped child; so loss of the child's medicaid eligibility could be a severe financial blow to certain adopting families.

Because of the complex program interaction, it is important to integrate Federal financial participation into a comprehensive package of social services. We have not had the time, as of now, to carry out this intention, but I assure you we are working on an overall child welfare strategy, as well as welfare reform. In addition, we are planning to have a White House Conference on Families, which will enable us to strengthen families by finding out more about family support systems and family breakdown.

As we analyze our policy toward child welfare services and subsidized adoption in HEW, we will be considering some key problems in these areas which S. 961 does not address. I would like to mention these issues briefly to facilitate communication between us and this subcommittee.

First, I am sure we all believe that prevention of loss of the biological family is preferable to adoption in most cases.

The bill recognizes this to some extent in that it provides for demonstrations of programs designed to prevent separation of children from their biological parents. Demonstrations, however, are not enough. The system should include substantial efforts by social agencies to return children to their families before seeking to place them for adoption.

What we really need is an effort on the part of all States to improve the capacity of their social agencies both to provide preventive services and to develop methods to increase return of children to their biological homes or other permanent placement.

Recognition of the importance of preventive services highlights the need to coordinate subsidized adoption with other social services such as 24-hour-a-day emergency services, appropriate temporary foster care, and day care. HEW will be better able to develop and support such a coordinated plan as it proceeds to study welfare reform and improvements in child welfare services.

Another question raised by S. 961 is that it does not address the eligibility of children previously not eligible under State social services programs.

It also is not clear whether the bill intends whether children now subsidized by State programs would be picked up by the Federal subsidy program, or whether there would be a maintenance of State effort, which would in effect create two parallel subsidy programs, State and Federal.

To be successful, any program of adoption subsidies must provide some assurance of continuity, so that parents who adopt and receive a subsidy can feel reasonably safe in thinking that such subsidy will continue as long as the need exists. This will require that careful thought be given to the method of creating a base for appropriate Federal funding.

These basic problem areas that I have mentioned are just examples of the major point, which is that we must integrate subsidized adoption as part of a continuum of community resources.

These resources must complement each other to assist a child whose family is having difficulty maintaining itself as a nurturing source, to achieve the goal of enabling the child to grow up in a family of his or her own. We would hope to have your cooperation in developing such a system.

Therefore, while we support the objectives of S. 961, we would urge that, for the reasons outlined above, action on the bill be deferred.

It is our intention to continue to work on developing a child welfare strategy and reordering our social services delivery system. This will enable us to develop and coordinate programs in subsidized adoption with other necessary social services to achieve maximum positive effect in enabling children to have permanent families.

Thank you. I will be glad to answer any questions you may have.

Senator **Cranston**. Thank you for your testimony. I do have quite a few questions I want to ask you. I do want to say at the outset that I am disappointed, as you know, by the suggestion that it would be necessary to wait, for what could be a very long period of time, if we went along with the suggestion of the administration. We have a budget process. That means if we do not act now—by May15—we lose a year's time. Even anything we do now will take something like a year to implement, in terms of getting going with adequate financing, and so forth.

Welfare reform is going to take quite a long time to work out. In terms of congressional action, it is not at all certain that this session of Congress, this year or next, can work out a welfare reform measure into which adoption reform and progressive changes could be fitted.

The proposed legislation you discuss is of great significance, but it also could take a substantial period of time to complete.

It could take us as much as 3 years, if we went with the time schedule that the administration is proposing.

I hope and expect this administration will not be limited to 4 years, but suppose it is, and we then face a new administration that wanted to take another new look, and they took 4 years; then we would lose 8 years. I think that is just unacceptable.

We have to proceed—unless we want to lose one generation of children that will not be placed in adoption because of our failure to act now. And I think that is unfair to those children.

So I hope to work out with the administration and with the members of this committee and the Senate and the House certain steps upon which we can agree and proceed to take those steps.

I totally understand the desires of an administration to take a new look and to work out a consistent pattern for action. That is, of course, what a new administration should do. But I think that there are ways to accommodate that desire and that intent with the need to deal with a problem that we have already spent years studying and that has such awful ramifications for the children and for adult members of families, too, if nothing is done about certain barriers to adoption that presently exist.

You did not touch in your testimony on one particular aspect of that problem at all—which this bill addresses itself to—and that is seeking to eliminate certain barriers presently in law, barriers that have nothing to do with Government expenditures, necessarily, or Federal programs, but that do prevent many adoptions of hard to place children from occurring. And I think we should address ourselves, for example—and that is just one example—to that matter as swiftly as we can, without waiting for some overall plan of a broader nature.

So, having said that, let me proceed to ask some questions and then get back, at various times this morning, to amplification of the views I just briefly summarized.

First, do I understand correctly that you do support the concepts of S. 961?

Ms. MARTINEZ. We do support many of the concepts of the bill, yes.

Senator CRANSTON. In terms of the broad concept—not specific provisions—but the concept of achieving the purposes of this legislation?

Ms. MARTINEZ. Yes.

Senator CRANSTON. How did you arrive at the figures of 90,000 to 120,000, in your statement of children in foster care, waiting to be adopted across the country?

Ms. MARTINEZ. There is not very accurate data available, but this is an estimate based on the work we have done. It is difficult to get exact figures, because the States are not required to provide that kind of data.

Senator CRANSTON. Well, was that figure taken from the air, or what was the basis of that figure?

Mr. ROSOFF. We have worked with a number of organizations, the Child Welfare League and others; we have also looked at some preliminary reports from States. So, taking that composite picture, we have come up with those data.

I know the Assistant Secretary is planning to come up with much firmer data in future years. We have been very concerned about the lack of data in these and other areas.

Senator CRANSTON. Would you please identify yourself for others present and for the record.

Mr. ROSOFF. Yes. My name is Saul Rosoff, Acting Director, Office of Child Development.

Senator CRANSTON. How current are the estimates that you use?

Mr. ROSOFF. I believe they are at least several years old.

Senator **Cranston**. How are you going to go about developing more current and accurate figures?

Mr. **Rosoff**. We are now working to develop a general information system with States, to get more accurate data on this and other social service groups, over a period of time.

Senator **Cranston**. How many children have been placed in adoption in the United States over the past 5 years?

Mr. **Rosoff**. In 1973, the most recent year for which data are available, approximately 150,000 children were adopted.

Senator **Cranston**. Is this approximate?

Mr. **Rosoff**. No, it is based on vital statistics, I do not, however, have more recent figures.

Senator **Cranston**. Is that data available to you, but you just do not have it now, or is that data not available?

Mr. **Rosoff**. There are no better, more recent data available.

Senator **Cranston**. Why is not such data available? Because nobody collects it?

Mr. **Rosoff**. There has been a problem with getting data from the States. As you know, unfortunately, over the past number of years, there has been a breakdown in the data collection efforts at our level. States supply such data or do not provide it, at their choice.

Senator **Cranston**. What plans do you have to get better data?

Mr. **Rosoff**. We will be working with States and with agencies, to develop systems to get a better source of data over the next several years. We feel this is very important.

Senator **Cranston**. Do you believe that the requirement in section 5(b)(1) of my bill, providing for the establishment of a national adoption data gathering, tracking, and analysis system, would help in developing those figures?

Ms. **Martinez**. Senator, I think it would. I think we can do it another way, though. We are trying, in the Office of Human Development, to begin to develop our capacity to gather accurate data.

What you provide for in the bill is a good thing, but I think we can get it another way, if we just make the effort.

Senator **Cranston**. What other way?

Ms. **Martinez**. Through the development of reports required by the States, with their assistance. I think it is most important to work with the States in developing a reporting system on adoptions.

Senator **Cranston**. How much Federal money is spent each year to maintain children in foster care?

Ms. **Martinez**. Could we get that information for you for the record?

[Editor's note: Written response to questions submitted by Senator Cranston may be found in the record at the conclusion of Ms. Martinez' testimony.]

Senator **Cranston**. Certainly, yes. In any case where we are asking questions that you do not have the answers to at your fingertips, submitting the answer for the record is of course acceptable.

How much Federal money is spent each year to promote the movement of these children into adoptive placement?

Ms. **Martinez**. Just in title XX, there is about $27 million spent for adoption services, including State money.

Senator **Cranston**. Yes, but that is not necessarily related to moving children into adoption. Do you have a figure for that, and if not, would you get it for the record?

Mr. **Rosoff**. No, it is not broken down, but it does include various services associated with finding homes for children in general and moving some of them into adoption.

Senator **Cranston**. Can you break it down for the record?

Mr. **Rosoff**. Our data only cover general uses of funds. Another estimated $1 million of Federal funds is spent under title IV–B for adoption services.

Senator **Cranston**. In terms of Federal personnel, can you give us an idea of how many civil servants are employed to meet the Federal commitment to foster care, versus the number employed in the area of adoption?

Mr. **Rosoff**. We have in the Children's Bureau a foster care specialist and a person who specializes in adoption. In addition, in the regions, there are individuals who spend part-time working across the board with States on a whole variety of programs relating to child welfare, and so they spend part of their time on that.

Senator **Cranston**. Would you agree that your responses to these questions suggest that our present national commitment, which you have had nothing to do with up to this point—at least, only for the past 60-plus days—to providing stability for families and permanence for children is wholly inadequate?

Ms. **Martinez**. I would agree that our response to children and families has been totally inadequate, and I think that has been the history of this country.

Senator **Cranston**. What is being done at the present time in HEW to address this situation?

Ms. **Martinez**. We are beginning to take a look at all of our programs in the Office of Human Development to determine how we can develop a national social services strategy, focused on our various target groups. As you know, we do have an Office of Child Development, but basically, it is a program for Head Start, and it is a program of child abuse and neglect. There is an advocacy function, but the resources and the program authorities do not provide for a comprehensive approach to child development or to families or to youth.

Senator **Cranston**. How long do you think we have to wait to do something about this particular problem, in view of the fact that the cost of maintaining the status quo is so much higher—so very, very high—both in financial terms and in human terms?

Ms. **Martinez**. As I understand the legislative and budget process, there is a very long lead time, so I would think that not before fiscal year 1980, unless we can do something between now and fiscal year 1979. But I understand the bills must be in to the Senate and to the Congress by May 15.

Senator **Cranston**. Yes. Well, apparently, we have to take into account not only our own difficulties in moving swiftly on legislation, and the new budget process, but the time it takes for the administration to think things through—that is a factor in going to a 1980 date. And after all, this is 1977.

Ms. **Martinez**. We are dealing with very complex issues, and a tremendous breakdown in our social services system over the past few years. And I think if we rush to do things, we will just end up with more fragmentation, rather than comprehensive approach services for our children.

Senator **Cranston**. Well, I totally concur with the need for a comprehensive approach and the need to avoid fragmentation. But I do not consider it a rush, after all the work that has been put in here. I first asked that we start this process of figuring out an approach, talking with my staff, 5 or 6 years ago. It has taken us this long to get as far as we have gotten. And I do not think it is a rush to find a way now to proceed—bearing in mind your objectives, the administration's objectives, and taking them into account to the best of our ability, and avoiding committing ourselves to anything that means a permanent fragmentation of programs, which, I agree should be brought together as much as possible.

At the outset of your testimony, you state:

> Few children need to be considered unadoptable, as long as there are ways to match children in need of adoption with adoptive parents, there are systems to help workers manage their caseloads, and the extra costs of rearing these children are subsidized.

I agree with that statement. That is what S. 961 is all about. The evidence we have received in the past, and will receive in the testimony from others this morning, in addition to your own testimony, suggests that these things do not now exist.

What alternatives do you offer right now to see to it that more and more children are considered, quote, "adoptable"?

Ms. **Martinez**. Now that title XX and title IV–B are under my jurisdiction, we are beginning to look at how those funds could be targeted more specifically, in adoption. As you know, those are block grants to States, and so the States really determine how the money is distributed.

But we do have some options, and we are going to take whatever administrative action we can, to insure that we are addressing the problems of "unadoptable children," during this year.

I have asked our staff to begin to look at title XX, title IV–B, as well as our other programs. We are beginning to explore the possibilities of supporting ARENA administratively during this year. So we are not just going to wait until a bill is passed, but will look at our current resources, our current legislative authorities, to see if we can do something right now.

Senator **Cranston**. You refer to the 41 States' subsidized adoption laws, and mentioned the inadequacies of these State laws. Doesn't the current situation present a clear need for Federal leadership in this field, beyond merely developing and promoting a model State subsidy law?

Ms. **Martinez**. I think it does argue for Federal leadership, and that is exactly what we are trying to do, to develop the best mechanism for Federal leadership in the future.

Senator **Cranston**. Can you cite some or any examples of effective Federal leadership where there are no Federal funds involved?

Mr. **Rosoff**. Well, you know, many of our efforts relate to providing technical assistance to States and to localities. Obviously, the presence of funds in many cases make a difference.

We have over the years initiated a number of experimental demonstrations. For instance, there was a demonstration that we started off in Tennessee, to show how children in need could get continuity of care and emergency services. Through technical assistance, we have now been able to promote that kind of program, in over 100 localities. In terms of our foster care efforts, we have provided some model regulations, some demonstrations in training and training materials, and there again, in a number of cases, to the degree we could within our resources, have been able to provide some assistance to States and localities.

Senator **Cranston**. You discuss in your testimony the need to look at how subsidized adoption most effectively provides a child with an adoptive home and at the same time relieves low-income adoptive parents of the mutual financial burdens and provides them with the supportive assistance that they of course need.

Do I conclude correctly from this that you favor tying adoption subsidy into the income level of the adoptive parents, rather than to the needs of the child?

Ms. **Martinez**. I am not sure that we should require a means tests, quite frankly, for adoptive parents. My inclination is not to favor it. I think the greatest concern that we have is with respect to those children who have high medical and other social service needs that the normal, average American family cannot afford.

Senator **Cranston**. Is the concept of the means test a part of the model State Subsidy Act prepared by HEW?

Mr. **Rosoff**. I believe we have encouraged the States to look at the possibility of the subsidy, but basically have recognized that various States may want to approach it in different ways.

Senator **Cranston**. I personally feel that the level of subsidy should be based on the needs of the child, with of course, the caveat that the ability of the adoptive parents to meet the child's needs must be considered. But I do not believe the subsidy should be available only to low-income adoptive parents, as I think your testimony seems to suggest.

It appears to me that such a policy would close the door on many middle-income parents who are ready and willing to adopt handicapped children, as long as they can be assured that medical bills would not leave them bankrupt.

Would you comment on that?

Ms. **Martinez**. I think if the testimony implied that, it was not intended.

Senator **Cranston**. Good.

What I would like is your comments on section 4(f) of S. 961, and what I am interested in is your view regarding its potential impact in facilitating the moving of children from foster care maintenance into adoption placement. That is on page 10 of the bill.

Ms. **Martinez**. Senator, could we answer that question for the record.

Senator **Cranston**. Certainly. I would like you to also answer, when you answer that, a follow-up question: How long is it justifiable to wait to enact that particular provision?

Ms. **Martinez**. This particular provision, 4(f)?

Senator **Cranston**. Yes.

Ms. **Martinez**. OK.

Senator **Cranston**. Next, do you support section 5(b)(3) of the bill as a means of preventing the inappropriate placement of children in foster care?

Ms. **Martinez**. Yes, that is a start in the right direction.

Senator **Cranston**. In a December 1975 hearing on the foster care system, called by the Subcommittee on Children and Youth, the predecessor to this subcommittee, then Chairman Walter Mondale asked the administration how much money the Federal Government spent on prevention programs, to see if working with families could prevent inappropriate foster care placements. The administration could not provide a specific answer to the question.

I would like to quote to you what Senator Mondale said at that time.

> If you are telling me that there is no way of knowing, I think that is an even worse answer. We have a $700 million program to put people in foster care, and yet we cannot give any answers about how much we are spending to keep kids in a family which is under stress. I think that is a worse answer.

Today, is it possible for you to answer that question?

Mr. **Rosoff**. Among the basic problems, as you know, is the lack of data that we have. But we do know that there are programs within a number of areas—such as the title XX funds—which do help preventive services. In a number of our demonstrations relating to emergency services and better placement, we have been able to fund demonstrations, to really promote the preventive aspects of this. And we can provide for the record some of the examples, if you would like, of what we have done.

Senator **Cranston**. I would appreciate that.

I want to stress again, I know that the current administration is not responsible for the failure of such information to be available, but it will become responsible if we do not develop ways of getting that information and finding answers to these problems.

I would like to again quote something former Senator Mondale said at that 1975 hearing:

> Let us suppose the average child in foster care costs $2,200 a year. Let us suppose we spend federally $30 in prevention and $5 per child on adoption. Do you think you might save a lot of money by shifting these priorities to prevention and adoption, also based upon everyone's belief that we should give the child the one thing that is needed most?

Ms. **Martinez**. If those are the figures, we certainly would save money. And I think the fact of the matter is that our public policy has not addressed the issue of prevention, ever, in terms of children and youth.

I think that we desperately need to shift our focus. We always seem to be working with children and youth after they are in trouble. I do not know why that is, but I do believe we are going to have to begin to deal with the prevention issues.

Senator **Cranston**. Those statements were made by Senator Mondale, and those questions asked in 1975. Now we are in 1977, and I just do not find it acceptable that we have to wait until 1979 or 1980 to begin to get somewhere.

While we are on the topic of estimating the costs of foster care, I would like to say that even these estimates may not tell the whole story.

There is currently litigation pending in which very substantial damages are being sought on behalf of children placed in long-term foster care rather than adoption. In terms of the costs involved in foster care maintenance of these children, the administration bears a heavy burden in convincing this committee that we should not move ahead with S. 961.

Are you aware of that litigation?

Ms. MARTINEZ. No, I am not.

Senator CRANSTON. I think it is something you should make yourselves aware of. The case was brought in San Francisco.

You indicate in your testimony that the problem of preventing inappropriate foster care placements is one that requires more than demonstration efforts. I am pleased that you recognize the importance of this problem, and I presume, the urgency for dealing with it.

What does HEW intend to do now on this particular matter?

Ms. MARTINEZ. Again, HEW does not have the kind of legislative or budget authority to do very much about how States provide services, excepting through title XX. Our child development programs are Head Start, child abuse and neglect, and some child welfare functions.

We intend to look very carefully at our legislative authority and our budget authority, in relation to our current program.

Mr. ROSOFF. We also have supported over the past several years a number of studies—one very recent one has been in Oregon—where we have been able to show that with some very special kinds of staff assistance, the placements in foster care have been more effective, and we are now demonstrating that in approximately 11 States.

There are some areas where we have been able to gather evidence that clearly, certain kinds of activities do make a difference, and in our section 426 research and demonstration budget request this year, the administration has asked for an additional $2 million, recognizing the need to conduct more effective demonstrations and to gather more knowledge about the attempts to place children in appropriate settings. Those funds will also help to expand our efforts in research, in demonstrations, and in technical assistance activities to have significant findings duplicated.

Senator CRANSTON. What is the $27 million in title XX social services money being spent for presently by States and localities?

Ms. MARTINEZ. Essentially, it is being spent for regular adoptive services—it is for caseworkers, for the study of the families, for the follow-up counseling of families. It basically funds the activities that go on in adoption. There are the court-related activities, the home study activities, the recruitment activities, the working with the natural parents and with the children. It includes all of the social services that you normally provide for adoptive children and families.

Senator CRANSTON. What percentage is that of the total title XX spending?

Ms. MARTINEZ. A little over 1 percent, because we are talking about $2.7 billion.

Senator CRANSTON. Why would it be so difficult to write into S. 961 the necessary language to provide for coordination of adoption subsidy programs with the title XX money?

Ms. **Martinez**. The problem is that we want to be sure that subsidized adoption with Federal support makes sense and is an integral part of our total social services and child welfare services strategies.

Senator **Cranston**. You refer to the problem of assuring the availability of funds for continuing to pay subsidies under agreements, once entered into. I agree that that is a problem.

But to the extent that we are successful, by a method such as S. 961 suggests, in moving hard to place children from foster care or institutionalization into adoption, won't there be ample Federal and State expenditures which will not be necessary for those purposes, which should then be available to cover the future costs of adoption subsidy agreements?

Ms. **Martinez**. You would still have to provide for it legislatively and with a change in the way that we fund programs. There would also be children receiving subsidies for the first time, an added expense.

Senator **Cranston**. I think that is more a mechanistic problem. We ought to be able to work our way through that.

I do not believe your testimony refers at all, as I indicated earlier, to the interstate barriers to adoption which S. 961 would seek to deal with, and I would like to ask you about that now.

Don't you see those barriers as a problem?

Mr. **Rosoff**. We believe there are a number of problems in the field. We also feel that, for instance, over the year, we can be providing and seeking to provide some kinds of special assistance through ARENA, that we can help to do away with some of those barriers.

We also feel that in working with the States on some of the model acts, we would hope to be successful without new legislation, in persuading them to do away with some of the barriers.

Senator **Cranston**. How do you propose to persuade them without legislation?

Mr. **Rosoff**. Well, we would hope to provide some technical assistance in terms of what are some of the better ways to solve the problem; how can they work with organizations such as ARENA to solve the problem.

It would have to be one of persuasion, in trying to bring about some changes.

Senator **Cranston**. How much money do you think you would have to spend, and how many people employed for those purposes, by that method?

Mr. **Rosoff**. We would have to provide that, sir, for the record, to get a better estimate.

Senator **Cranston**. Could you please do that? I would be very interested to see those figures.

Mr. **Rosoff**. Yes.

Senator **Cranston**. This committee has been considering this legislation, as I said earlier, for 3 years in committee, and working much longer than that with individuals and representatives of adoption groups and children's organizations, some of whom will be represented in this morning's hearing, in refining, developing, and I think, improving the bill to the point where it now enjoys widespread support.

My initial interest in this was a desire to find an alternative to abortion, in part, and I think that this does move us in that direction, which Mr. Califano, with his views on abortion, should be particularly interested in, as should this administration generally.

I want to emphasize that this is not a hastily drawn piece of legislation. I find it very hard, I must say, to say to these individuals and groups, and to more than 100,000 children—or Lord knows how many children, since we do not really know—in need of adoption, that we should defer any action by Congress for a period which appears to me would stretch at least to the 1980 fiscal year you mentioned, and possibly longer, depending on all sorts of factors that are not foreseeable at the present time.

As I have stated, the President and HEW Secretary Califano have committed themselves to supporting new initiatives in the area of adoption as an alternative to abortion; specifically, there are those commitments.

What, if any, concrete proposals is the administration considering right now, which would provide support for adoption as an alternative to abortion?

Ms. MARTINEZ. As far as I know, there are no specific bills at this time, or any specific proposals. We are certainly working on welfare reform, which will be addressing the social services, as well as the income assistance issues.

We would hope that we could work together with this committee to develop the kinds of legislation and the kind of coordinative mechanisms that we need for adoption.

Senator CRANSTON. President Carter's budget revisions for fiscal year 1978 include an increase of $35 million to develop and improve alternatives to abortion. That request included $14 million for community health centers, to extend comprehensive services, including family planning, health education, counseling and outreach, with emphasis on reaching sexually active teenagers.

It included $10 million additional for family planning project efforts to reduce teenage pregnancies, and it includes an earmark of $2 million of the additional $4 million recommended for the Department of Health, Education, and Welfare for research and demonstration projects related to sex education, as well as the development and dissemination of information materials. The budget document states:

> The focus of these activities will be on reducing the rate of teenage pregnancies, which now accounts for 36 percent of all illegitimate births, and to reduce teenage abortions, which are now estimated at 283,000 annually.

The request, finally, includes a total of $9 million for foster care and adoption research, an increase of $3 million over the fiscal 1977 amount allocated to that purpose.

These latter recommendations indicate the recognition on the part of the administration—and I applaud that—that parentless children need special attention, and a larger number of these children are the children of teenagers.

The Guttmacher Institute reports that more than 600,000 teenagers give birth each year, and of these births, only 28 percent were conceived following marriage, and 10 percent of the conceptions led to marriage.

That means we will have 220,000 babies—if these statistics are reasonably accurate—born to unwed teenage mothers within the next 12 months. Increased emphasis on family planning services and on information and education programs aimed at this population group will help somewhat, but it certainly will not eliminate these births, nor can any information and prevention program be totally effective in avoiding future unwanted conceptions. Moreover, at present it is estimated 270,000 births to teenagers are terminated by induced abortions each year.

We need an active adoption policy as one key alternative to abortion, as one initial way of attempting to provide a loving family environment for these newly born infants.

Given these statistics, how can we wait years for effective movement in this field, given the human, social, and economic costs of continuing along our present course and permitting interstate barriers and lack of adequate subsidization to impede the adoption process.

I answered the question; I do not think we can wait years. More babies will be born into this world who will be deprived of the critically important first several years of a stable, loving family environment, with all sorts of adverse consequences for them and for others.

Let me now ask you this. How will you answer the questions of people, who will be sure to challenge the President, about his commitment to supporting adoption reform as an alternative to abortion, when they point out that S. 961 offers a concrete proposal toward this end, and has the widespread support of national adoption groups, from both the public and private sectors? Will you tell them they have to wait until HEW's overall social service policy is developed, an unknown number of years from now, or precisely what will you tell them, beyond what you have told me this morning?

Ms. MARTINEZ. We will certainly have to tell them that we are really trying to work out a program and that we will work with the committee in developing such a program.

We feel it essential that we must look at all our child welfare services, to see how they can be best brought to bear for children.

There are many priorities for children, as well as for aged, for Indians, and for the handicapped. And it is our feeling that we need to look at each one of these programs, to determine what the priorities are, and to work with the various groups in developing comprehensive child welfare and family welfare systems and services.

We feel that it is time that this is done. It has not been done for a long time. There have been a lot of programs introduced, but we still have the fragmented programs of the past years with us and we desperately need to figure out how to assess the needs of children, the needs of families, and develop a comprehensive approach to those.

I am sorry that we must wait, but I think that if we do not wait, we will continue to just have programs that are individual and specific, and do not look at the range of needs of children and families.

Senator CRANSTON. Let me say that, first, I do not think we need wait or will wait. Second, I do not think that answer will satisfy adults, whether intellectually or emotionally, who have been wrestling with this problem for a long, long time; nor do I think it will satisfy the needs of living children and about-to-be-born infants, whom all of this would affect.

I again want to stress my concurrence with the need for nonfragmentation, for an overall policy, but I think we can take steps and then meld them into that approach.

I am supportive, let me say, of the administration's firm goal of developing—and I will do all I can to help—an integrated social services policy and program.

However, several points I think need to be considered. First, reform of the welfare system has been attempted in the past, and met with little success. I hope there can now be a breakthrough, but there is no guarantee that there will be.

The task is not an easy one. As I said earlier, it may not be completed in this session of Congress.

Second, I do want to work with you toward achieving all the reforms that you spoke of in your testimony. But I do not believe that goal precludes our moving on legislation that seeks to accomplish one of the tasks you seem to feel should be a part of that larger package, and which could be integrated into your large-scale plan. Why can't we put in place a modest program such as S. 961 calls for, so as to provide necessary experience on how to structure a Federal role on adoption policy as part of that larger strategy?

Ms. MARTINEZ. I think that the answer is that though we are supportive of the concept and many provisions of the bill, we think we do need that time to spend, studying it and seeing how it could be more effectively implemented.

Senator CRANSTON. As you know, the kind of reform package discussed in your testimony will impact on a number of congressional committee jurisdictions. We have straightened out our jurisdictions to some extent, but we still have several committees in various areas getting involved in various areas of need and action.

For instance, reform in the social security field will involve the Senate Finance Committee. This committee, however—and I know I speak for Chairman Williams of this committee, as well as myself—wants to be involved in your social services reform effort. We want to be constructively helpful in that regard.

We have worked long and hard on the particular problem we are discussing this morning. We have committed ourselves to reform in the area of adoption. If the committee decides to proceed with S. 961—and I believe it will—it would be very helpful if our staff could meet with your staff, to work out any changes in the bill that might facilitate its integration into your long-range plans, and I trust that can be arranged.

Ms. MARTINEZ. We will provide whatever assistance you need.

Senator CRANSTON. Good. With that in mind, are there specific sections of S. 961 which you could point out, that either fit in with your long-range plans or might hinder them?

If you want to give that to us in writing rather than now, that might be a good way to start.

Ms. MARTINEZ. Could we do that?

Senator CRANSTON. That might be a good way to start further work together.

Let us get that by the end of the week, so we can—because of our own time problems relative to the budget process, we need to move swiftly.

If S. 961 had a 2-year rather than a 4-year authorization, would that provide you with greater opportunity to intergrate adoption services into the development of an overall social services policy?

Ms. MARTINEZ. I would have to think about that, and give you that answer for the record.

Senator CRANSTON. All right, fine, if you could answer that question by the end of the week, too.

Would you comment on the significance of section 4(f) of the bill. It is designed to facilitate the movement of children from foster care maintenance into adoption placement by continuing the eligibility of child and family preexisting benefits and services.

Ms. MARTINEZ. I would think that that would be absolutely essential, if you were to have a subsidized adoption bill.

Senator CRANSTON. If you agree, then that this kind of grandfathering of prior assistance is a critical need, is there any justification for a further delay in providing for that?

Ms. MARTINEZ. The only justification we have at this point to give you, Senator, is that we do feel it is essential to understand all of the mechanisms that are necessary for this program to make it an effective program.

Senator CRANSTON. Would you support demonstration project grants to try to keep families together and to prevent the inappropriate placement of children in foster care, as is authorized by section 5(b)(3)?

Mr. ROSOFF. We have authority at the present time to carry out some of such demonstrations. Obviously, such demonstrations are important in terms of a total package of continuity for children, and our funds should be available to be able to formulate them.

Senator CRANSTON. What are you doing with that authority that you presently have?

Mr. ROSOFF. We have mounted over the past several years a number of special efforts, both in relation to foster care, adoption, and continuity of placement. We have, I would say, at least 15 projects—we can provide details for the record—some relate to the formulation of the adoption subsidy law, some relate to the formulation of foster care standards, others relate to the Tennessee experiment, still others relate to our Oregon experiment.

If you would, if you will allow us, we will provide that for the record in more greater detail.

Senator CRANSTON. I would like you to provide that for the record.

Mr. ROSOFF. Yes, sir, we will.

Senator CRANSTON. I would like to return to one question I asked you, and that is, would a 2-year rather than a 4-year authorization, be helpful? My point, in regard to that—and you do not need to answer now, if you do not want to—but if we opt for 2 years instead of 4 years, would that better mesh into your time frame of integrating efforts in this field into an overall plan?

Ms. MARTINEZ. Let us take a look at that, Senator.

Senator CRANSTON. Fine.

Well, let me say, finally, that I have listened with great interest to your testimony, and I know we share common objectives. We are differing about the way to get there.

I am not persuaded by the request from the administration that we just drop all action in this field. I think the need is now. That has been amply demonstrated by prior testimony, by a part of yours today, and by other testimony to be presented by the next witnesses this morning.

The need is greater today than it was when Vice President Mondale was saying the things that I quoted him as saying a couple of years ago.

So I do look forward to working with you and your staff, to perfect the legislation as much as possible, taking into account your needs and desires and plans, as we push ahead.

I am going to seek to get this bill reported to the Senate by May 15. I know that Senator Williams, the chairman, wishes to move on this bill. He is strongly committed to it. I have the same intentions and the same commitments.

I would appreciate it if you could stay to listen to the other witnesses this morning. If you can do that, if your time constraints permit, great; if you cannot, do review the record as quickly and as thoroughly as possible.

Thank you very much. I do look forward to working with you.

Ms. MARTINEZ. Thank you so much.

[Responses to questions submitted by Senator Cranston follow:]

**Question:** How much Federal money is spent each year to maintain children in foster care?

**Answer:** The amount varies annually. In fiscal year 1976, the following costs were reported by States:

| | |
|---|---|
| •Title XX (Social Services) | $160 million |
| •Part B of Title IV (maintenance & services) | $ 33 million |
| •Part A of Title IV (maintenance) | $171 million |
| Total | $379 million |

No figures are reported or available for Title XIX (medical assistance) for foster children.

**Question:** How much Federal money is spent each year to promote the movement of these children into adoptive placements?

**Answer:** Under Title XX in fiscal year 1977, $20 million in Federal funds is being spent on adoption services. (With the State share, the total is $27 million.) In addition, an estimated $1 million in Federal funds of Title IV-B funds are used for adoption services.

**Question:** At the outset of your testimony you state:

> Few children need to be considered "unadoptable," so long as there are ways to match children in need of adoption with adoptive parents, there are systems to help workers manage their caseloads, and the extra costs of rearing these children are subsidized.

I agree with that statement. That's what S.961 is all about. The evidence we have received in the past and will receive in the testimony this morning suggests that these things do not now exist. What alternatives do you offer now to see to it that more and more children are considered "adoptable"?

**Answer:** Our current relevant activities include:

- the development of a model act to free children for permanent placement;
- eleven grants to States as seed money for moving children out of foster care back home or, if that is inappropriate to adoptive homes;

- technical assistance to fifteen States (including the eleven receiving grants) to return foster children home or place them in adoptive homes;
- technical assistance to States to help them improve their subsidized adoption laws and practices;
- in concert with the American Public Welfare Association, technical assistance to States to encourage them to join and make better use of the Interstate Compact for the Placement of Children; and
- demonstrations of the use of improved recruitment and placement procedures for placement of minority and handicapped children, in three areas of the country.

**Question:** You refer to the 41 State subsidized adoption laws and mention the inadequacies of these State laws. Doesn't this situation present a clear need for Federal leadership in this field beyond merely developing and promoting a model State subsidy law?

**Answer:** We believe that we have exercised Federal leadership in this area. We have worked with the States for 3½ years now to improve their subsidized adoption laws and programs and have assisted in getting 14 additional States and the District of Columbia to enact subsidy programs. Further, we have not only conducted the activities discussed above, but have funded such projects as the special efforts to place minority children in Illinois through use of a subsidy and partial support of Spaulding, to demonstrate special efforts to place handicapped children.

**Question:** Can you cite some examples of effective Federal leadership where there were no Federal funds to do this?

**Answer:** The activities we have just described used minimal, short-term funds. Eighteen States have placed over 6000 children in adoption with subsidies during the past 3 years, in part as a result of our encouragement to expand their programs.

Question: What is the $27 million in Title XX social services money being spent for now by States and localities?

Answer: As reported by States, that money is being typically spent for court-related services, home studies, the recruitment of adoptive homes, preparing the child for adoption, supervising post-adoption placements, and adoption-related transportation.

Question: What percentage is that of the total Title XX spending?

Answer: 1.1 percent

Question: Why would it be so difficult to write into S.961 the necessary language to provide for coordination of adoption subsidy programs with the Title XX money?

Answer: The problem is not one of simple coordination. What we are seeking is to be able to have a comprehensive social services policy, of which subsidized adoption may be an integral part.

Question: You refer to the problem of assuring the availability of funds for continuing to pay subsidies under agreements once entered into. I agree this is a problem. But to the extent that we are successful by a method such as S.961 in moving hard-to-place children from foster care or institutionalization into adoption, won't there be ample Federal and State expenditures which will not be necessary for those purposes and which should then be available to cover the future costs of adoption subsidy agreements?

Answer: We agree that there should be cost reductions as setoffs to subsidy expenditures. However, there is no guarantee that a relatively small program such as S.961 proposes would be re-authorized and appropriations continued.

| | |
|---|---|
| Question: | I don't believe your testimony refers at all to the Interstate barriers to adoption which S.961, by use of Federal assistance as a carrot would try to begin breaking down.<br>Do you see these barriers as a problem? |
| Answer: | Yes, and we would like to see them eliminated. |
| Question: | How do you plan to deal with them without this kind of legislation? |
| Answer: | Some of the activities we mentioned above will help overcome or eliminate these barriers. These include the Model Act to Free Children for Permanent Placement, which will, if enacted by States, set common standards and procedures. We also expect to develop and work with States to use good practice guidelines, special recruitment materials for the adoption of "special needs" children, and increased use of the Interstate Compact for the Placement of Children. |
| Question: | Would you support demonstration project grants to try to keep families together and prevent the inappropriate placement of children in foster care, as authorized by Suction 5(b) (3) of S.961? |
| Answer: | Yes, and we also believe that more than demonstrations, there is a need for a shift in services emphasis.<br>At this time, under our current research and demonstration authority (Section 426 of the Social Security Act), we have been conducting activities in the areas of enhancing "the ability of families at risk to care for children in their own home and ...(preventing) the inappropriate or lengthy placement of children in foster care." These activities under the guidance of the Children's Bureau of the Office of Child Development include the following (a few were mentioned briefly earlier): |

- Through a contract with the Urban Observatory, the Children's Bureau is currently disseminating the initiation and implementation of a Twenty-Four Hour Comprehensive Emergency Service Program in 89 local community systems and 10 state-wide systems. As a result, 6 States are developing state-wide comprehensive emergency services programs and 28 communities use two or more of the components as a part of comprehensive plans. This activity was undertaken as a result of a successful demonstration project funded by the Children's Bureau in Davidson County, Nashville, Tennessee, which led over a three year period to an 86% reduction in the number of neglected and dependent children requiring institutionalization and the total elimination of the institutionalization of children under age six.

- Under a grant, the Educational Development Corporation has developed and disseminates the Education for Parenthood materials. Over 120,000 teenage boys and girls and 2,900 college students have participated in programs nationwide in over 3000 schools, and universities, and youth-serving organizations, to improve their competence as potential parents.

- A research study by the school of Social Welfare, University of California at Berkeley, on the "Decision Making Processes in Foster Care" found that frequently no decisions were made and that many children stay in foster care mostly by default rather than by plan. The reports from this study were published in Public Welfare, and have been reprinted by Children's Bureau for use in training and technical assistance to State and local foster care agencies.

- A special demonstration to identify and free children for permanent planning was funded to the Children's Services Division of the State child welfare services agency in Oregon. Of the 503 foster children who were believed not likely to ever return home, the special efforts of the project did return 23% to their biological parents, 37% were freed for adoption, 8% were placed in contractual long-term foster care, and the other 32% of the cases are in process.

- Through a contract with the staff that was successful in Oregon in permanently placing foster children, technical assistance is being provided to fifteen States to return foster children home or place them in adoptive homes.

- With seed money grants, eleven States are working to begin accomplishing this same goal, of moving children out of foster care to their biological families or to adoptive homes.

- A demonstration developed with the Illinois Department of Children and Family Services to utilize the State subsidy in the placement of black, older and handicapped children was successful in demonstrating ways of recruiting adoptive parents particularly in placing older and handicapped with their foster parents.

- Through a grant, the issue of appropriate ways of recruiting families and placing handicapped children was studied by Eastern Michigan University and reported in a publication, Finding Families for the Children. Three thousand copies of this report have been distributed and Dr. Patricia Ferman and others of her staff have given several training sessions in four States. They are still receiving requests from State agencies.

- A grant to the NAACP in Atlanta has been used for a demonstration of the recruitment of adoptive parents for handicapped children in three States, Georgia, Florida, and Tennessee.

- A grant to the Trumbull County, Ohio Child Welfare Board, is being used to demonstrate the development of the capacity to place handicapped children within the agencies of four counties. The contractual arrangements between the counties seek to provide a model for such efforts in States with a county administered system.

- A grant to the Boston College Law School has been used to developing a model act for freeing children for permanent placement. When completed and approved by the Department, we will disseminate this statute for implementation by States.

- In order to facilitate the Interstate Compact for the Placement of Children, the Children's Bureau has funded a special project to encourage States to become a member of the Interstate Compact for the Placement of Children. Currently 40 States are compact members, an increase of 23 States since the Children's Bureau undertook this effort in cooperation with the American Public Welfare Association.

- A grant to the National Urban League is being used to demonstrate whether or not the provision of resources for home studies will facilitate the placement in adoption of more black children awaiting adoption;

- A project conducted by Spaulding for children led to the development of policy and administrative procedures which can assist adoption agencies in improving their services for "special needs" children awaiting adoption;

- A grant to the Child Welfare League of America is being used to study current statutes, practice, and problems in the area of independent adoptions. After analysis, policy recommendations will be made; and

- To provide us with a better insight into the number and nature of foster children, the length of time in care, and the services they have received, the Children's Bureau has contracted with Westat, Inc. After demonstration of the methodology, a national sample will provide us with data currently unavailable anywhere.

**QUESTION:** Would a two year rather than a four year authorization, perhaps be helpful? Would this be more helpful to your time frame of integrating efforts in this field into your overall planning?

**ANSWER:** Yes, it would provide us an earlier chance to integrate the bill, if it is enacted, into our child welfare services and social services strategies.

**QUESTION:** How much money would you have to spend, and how many people would you have to employ in order to provide technical assistance as a means of persuading states to improve their ability to deliver services:

**ANSWER:** We estimate that we would require between $1 million to $2 million. We would work with national, state, and local agencies in both the public and voluntary sectors in order to provide leadership and direction to the field on the basis of available knowledge and the best current practice. In addition, we would arrange for regional and national meetings as another mechanism for improving the delivery of child welfare services. These activities would be conducted for us by appropriate agencies and organizations inasmuch as we do not have additional staff to carry out these activities directly. Of course, since these would t efforts to persuade states and others to take action, we would only hope to but not be insured of results.

**P. 43 - QUESTION:** Good. With that in mind, are there specific sections of S.961 which you could point out, that earlier fit in with your long-range plans or might hinder them?

**ANSWER:** First, we are undertaking some activities aimed at meeting the interstate problems which section 3 of S.961 is directed towards. These include the development of a Model Act to Free Children for Permanent Placement, which is in draft form now. If enacted by States, it would enable them to have common criteria and processes for freeing children for adoption. Under a separate effort, materials are being developed for use by social workers and attorneys to improve their decision-making and actions in this area.

We are working with States to help them improve their subsidized adoption laws and practices, to which section 4(c) of S.961 is directed.

We are gathering data on adoption and foster care services, a goal of paragraph 5(b)(1). Our data, however, will be one-time, gathered on a sample basis, and voluntary.

We disseminate helpful materials, as paragraph 5(b)(2) contemplates, though on a limited basis due to our scarce resources.

We have a number of activities directed toward preventing the separation of children from their families and reducing the lengthy inappropriate placement of children in foster care which paragraph 5(b)(3) calls for, including assisting States to improve their "permanent planning" through small grants and developmental assistance and through demonstrations of the use of preventive services.

Finally, we are conducting a study of the problems occasioned by independent adoptions, as section 6(a) calls for.

In summary, we have a number of activities in progress aimed at some of the same goals as S.961, though necessarily on a smaller and less comprehensive scale and not including Federal financial participation in subsidized adoption.

**QUESTION:** If S.961 had a two-year rather than a four-year authorization, would that provide you with a greater opportunity to integrate adoption services into the development of an overall social services policy?

**ANSWER:** We would still have to say at this time that we are giving serious consideration to the concept in S.961, but a two-year authorization would provide us with a more timely opportunity to integrate the bill into our broad strategy.

**QUESTION:** Do you think we can justify waiting any period of time to enact that particular provision or reform of 4f?

**ANSWER:** We share your concern over children waiting for adoption. We believe, however, that a Federal policy on continuing benefits to those children after adoption which is developed as a part of a comprehensive strategy will in the long run be more beneficial to children and families than such a change enacted in isolation of the rest of the situation.

**QUESTION:** What I would like is your comments on Section 4f of S.961, and what I am interested in is your views regarding its potential impact, in facilitating the moving of children from foster care maintenance into adoption placement. That is on page 10 of the bill.

**ANSWER:** We are giving serious consideration to the principle of Federal financial participation in the subsidized adoption of "special needs" children. The approach in Section 4(f), the continuation of eligibility for children receiving benefits, is one of the approaches being considered if there is Federal financial participation in subsidized adoption.

Senator **Cranston**. We now have a panel of adoption organizations; Mr. Gerald Adcock, North American Council on Adoptable Children, from Detroit; Mathew Ahmann, National Conference of Catholic Charities, Washington, D.C.; Elizabeth S. Cole, North American Center on Adoption, the Child Welfare League, New York; Peter Forsythe, vice-president, Edna McConnell Clark Foundation, New York; Richard Higley, director of placement services, Department of Social Services, Office of Children and Youth Services, Lansing, Mich.

I am delighted you are here. Please proceed in whatever way you wish.

Your full statements will go in the record. If you could summarize rather briefly your key points, to permit time for questions within our own time frame, I would appreciate it.

## STATEMENT OF ELIZABETH S. COLE, DIRECTOR, NORTH AMERICAN CENTER ON ADOPTION, THE CHILD WELFARE LEAGUE, INC., NEW YORK, N.Y.

Mrs. **Cole**. Good morning. My name is Elizabeth Cole. I am the director of the North American Center on Adoption, which is a project of the Child Welfare League of America.

I am pleased to be here this morning, Senator, but I am also dismayed. I am pleased because we have been given the opportunity to comment again on what we feel is an excellent piece of legislation.

I am dismayed because we have to be here again.

Senator **Cranston**. How would you feel about being here in 1980 again?

Mrs. **Cole**. Terribly frustrated and very, very cynical.

I want to tell you that we want to congratulate you on your effort on behalf of waiting children in the United States, and feel that if it was not due to your efforts, to see this legislation pass again, that we would be even more frustrated than we are, and we again want to congratulate you for your interest.

Senator **Cranston**. Thank you very much. I congratulate you and those with you, for yours.

Mrs. **Cole**. If we are cynical, I think it is because we have very real concerns, Senator. We want to take a look at the status of adoption today.

We talked last year about the fact that there were 90,000 children or 120,000 children, needing adoption and you have heard that figure quoted many times in the past. I think the fact that we are not sure of how many children are waiting for adoption is a real symbol for the need for this legislation.

In fact, the figure might be much greater than that. It might be as high as 300,000, if we were able to know the exact number of youngsters who are in foster care or who are in institutions for the retarded or mentally ill, who may need some kind of permanent family.

We feel that this proposed bill would encourage the adoption of all of these youngsters by waiting families. We find, for example, that there are a number of families who would adopt, but for the lack of some financial assistance, and this is the great benefit of the subsidizing by Federal financial participation of the subsidized adoption laws of this country.

Many couples are discouraged, even under existing subsidy laws, from adopting, because they do not know whether or not the subsidy will continue next year or the year after. We feel that the provision of S. 961 would be an incentive to families to adopt by offering this guarantee.

I think that the other provision for information is essential, as we said in the beginning remarks, that no one really knows the number of youngsters that are available.

The provisions for training are extraordinarily beneficial. The center has been fortunate to coordinate training programs with the University of Michigan, the University of Southern California, and Columbia University, which we feel are beneficial. Provisions of your legislation would make this kind of training possible to many more.

I will not go into detail on the rest of my written comments on your legislation, Senator, except to say that we feel that the provisions of the title XX funding are not adequate, and they are not adequate because they are voluntary. They do not mandate adoption services.

Many States take advantage of it, but most do not. And we feel that money for adoption services must be mandated.

Again, Senator, I am pleased to see you, but wish that there would not be a need for us to be here again next year or the year after.

Thank you.

Senator Cranston. Thank you.

[The prepared statement of Mrs. Cole follows:]

Prepared Statement of Elizabeth S. Cole -
Director - North American Center on Adoption
April 4, 1977

My name is Elizabeth Cole. I am the director of the North American Center on Adoption, a non-profit corporation providing consultation and education to the adoptive establishment - agencies and schools of social work, assistance to concerned citizens groups, education to the general public, exchange services to aid in the adoptions of special needs youngsters. To put it very briefly, we are indeed a Center of information and action to find families for waiting children throughout North America.

I have had the honor of appearing before several of you to testify on proposed legislation before - notably on July 14, 1975, when I addressed members of the Senate Subcommittee on Children and Youth in connection with proposed bill S1593 - and I must tell you that I feel both pleasure and dismay connected with my appearance here today. I am pleased to have the opportunity to congratulate you on your dedication to enacting legislation to facilitate the permanent placement of thousands of children who wait for the love and commitment that adoptive families offer to children who cannot be nurtured by the families they were born into. If you were not convinced that it is the obligation of the Federal government to operate in the best interests of its young citizens, to create machinery that will enable these youngsters to find permanence, and to underwrite the cost of running this machinery, you would not have introduced the proposed bill known as S 961, to establish the "Opportunities for Adoption Act of 1977."

But, to be fair to you, I must explain why I am dismayed. I am dismayed because there was a need to write and introduce yet another adoption bill. Why did S1593 not come out of committee to see the light of day before the members of the 94th Congress? I am dismayed because I hear myself repeating past commentary, speaking to the need and the urgency for comprehensive adoption legislation now. Because this is a vital need. And yet I wonder: will we all meet here, or in similar surroundings, once again to study and debate the provisions of a proposed "Opportunities in Adoption Act of 1978"? And all the while children who wait are growing older.

Forgive me if I sound cynical, but this has become a very real concern.

Let us look at the state of adoption at the present time. I will tell you again that it is estimated that there are 120,000 waiting children in the United States today. You've heard that figure many times in the past. Yet you know - and I know - that there is no clear data to support this figure. And that absence of a real count of human beings who must be serviced can stand as one symbol of why there is need for the legislation before us. The proposed National Office of Adoption Information and Services would establish a national data gathering and analysis process to account for every child out there and insure that no child is lost in the system. In fact, the real number of children may be closer 300,000 - if we look at the vast numbers of youngsters who are now (and should not be) in foster care or in institutions.

The proposed bill would encourage adoption by foster families when this would be in the child's best interest. The weight of recent thought and study falls on the side of keeping a child with his or her psychological parents and family. Often, we are finding, this is the family with whom the child has resided for the past several years. Social workers are unsure about how to make the new placements. They find they are dealing with older children, many of whom have their own opinions as to what kind of family they'd like to live with (urban, suburban, single-parent, families with many other children). The infants they placed in past didn't offer their views on placement. Workers are considering as permanent parents those person they had previously judged to be "temporary caretakers." Should they stick with their old guidelines - or develop new ones"

Even the most forward-thinking members of the social work establishment have expressed a need for retraining, for learning new techniques to deal with the new realities of adoption. One of the projects that the North American Center on Adoption has been most pleased to have fostered is the establishment of specialized adoption training seminars at 3 respected and geographically diverse schools of social work - Columbia University, the University of Michigan and the University of Southern California in Los Angeles, and the creation of a network of "fellows" recruited from these courses, who have demonstrated capability and expressed commitment to the waiting children. This has proven to be an invaluable program, limited only by our small staff and budget. S. 961 would provide funds for such essential retraining of social work staff in up-to-date adoption techniques. Programs could be instituted on a broader scale. We have developed the know-how. To see a broad implementation of this type of education program delayed is - to put it mildly - frustrating.

Let me go back, for a moment, to consideration of those children who would do best to remain with their foster families, because this provides one example of a situation where there may be a need for a comprehensive, uniform subsidy program, such as is proposed in this bill, where it speaks of "Grants for Adoption Assistance and Services" (section 4, point 3). The bill would provide money for "assisting prospective adoptive parents, who would consider adoption but for their financial inability to meet a child's needs, in defraying the placement, post-placement, and post-adoption cost of supporting children with special needs..." "Special needs" can describe any youngster for whom special efforts must be expended in order to locate a permanent, loving, "committed" environment for parenting this child. "Special needs" describes, but is not limited to, children whose chances for adoption have been handicapped by their physical, psychological or mental situations.

If such support is not clearly justifiable on human terms, let me underscore (and I cannot do this too strongly) that although this bill presents a package that is too expensive to be underwritten by most private philanthropies, in terms of the public dollar adoption is the most cost-effective form of alternate care for children who cannot remain with their biological families. Forty states now have adoption subsidy. These states estimate that, even with the money allocated for subsidy, they are saving 40 percent of the cost of keeping the same children in foster care.

Subsidy is but one ingredient of this bill. Money that is spent on improved services to children in need of homes and that, therefore, results in adoptive placement of more waiting youngsters yields the best possible return than for any other investment we can think of.

Who is the client? Adoption, today, is described as being child-centered - that is, it focuses on meeting the needs of children rather than answering the needs of applicants who yearn to be parents. The child, then, is the client.

But, what about the biological mother (typically, a confused, very young teenager who understands little about her own body, drinks soda pop sooner than orange juice, and exists on a diet of hot dogs and potato chips?) If the child is the client, are we not to involve ourselves in caring for the mother - even before the child is born - to educate her to proper prenatal care and nutrition so that the child is born healthy? Is it not our duty to help her as she battles the confusion of what to do once she becomes a mother - give the child up? continue her own schooling? attempt to keep and raise the child? We must help her to understand herself and the possible consequences of each of these decisions. The biological mother of the child must be seen as the client.

What of the biological father? In 1971, the Supreme Court, in Stanley v. Illinois, recognized some rights of the fathers, or of the alleged fathers, of the children. Agencies, in many cases, have used up much time in seeking the father (while the children wait). If found, must he not also be counseled? If he comes forward, is he not legitimately the client?

And now we come to the adoptive parents, people who have expressed interest in adopting youngsters who bring with them problems of medical assistance, therapy, the psychological traumas inflicted by impermanence, the defenses they've created in order to grow up in the system, and so on. To be effective parents to the children, these adoptive applicants need support and counseling before they agree to have a child placed with them. Even more, they need the caseworkers' support post-placement, if they are to successfully parent the child. Certainly, they are the clients.

We need more workers, who are better trained, who can spend more time on more complex caseloads if we are to be successful in placing the child - our client and the country's concern - in a supportive, loving environment.

Title XX has provided money which can be used by the states to cover many, but not all,of these services. But, while Title XX makes adoption services possible, it does not mandate them.

They must be mandated. They will be mandated if this proposed "Opportunities for Adoption Act" is passed - and in 1977.

I strongly urge that your best efforts be directed to this endeavor. Thank you.

Senator CRANSTON. Mr. Adcock you may proceed.

## STATEMENT OF GERALD B. ADCOCK, NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN, DETROIT, MICH.

Mr. ADCOCK. Mr. Chairman, I am Gerald Adcock, and I represent the North American Council on Adoptable Children, as chairman of its public policy committee.

The council is a citizen advocacy organization of over 200 adoptive parents' organizations, and over 5,000 citizen members.

I want to commend you, too, for all your attention and effort on behalf of the waiting children in this country.

Senator CRANSTON. Thank you.

Mr. ADCOCK. Their problem is one that can be easily solved. It is a massive problem, and one that I just do not see how can be ignored any longer.

Although I have great respect for the administration spokespersons which preceded me, I find it deplorable to think that we could even think about waiting until 1980 to get to a solution to their problems.

I want to emphasize that the needs of waiting children is something that must be addressed from the standpoint and to the standpoint of children, and not from needs of parents, as so often is confused.

Far too many social welfare officials believe that adoption is a process whereby infertile couples establish their families, and these types of couples are not the types of couples that would adopt special needs children.

Therefore, to overcome that obstacle, we have to focus some attention on these children, themselves.

In spite of some voice to the contrary, there are certain matters that only the Federal Government can adequately solve, can adequately handle.

The Federal Government can only provide the necessary impetus for action through leadership and funding in many problems, and certainly, the problems of waiting children is one of those problems.

I am proposing, very briefly, that the Federal Government involvement occur in the following forms. Mandate adoption services; leaving adoption to the option of State and local government entities will continue to deprive many children of permanent nurturing homes, because they are domiciled in areas where adoption is not a priority service.

I am also suggesting that the Federal Government provide firm leadership in the area of public relations, by a national effort to enlighten our citizens to the problems of waiting children and to the fact that adoption is a very viable and very workable way to meet these needs.

I am also suggesting that an adequate program for training personnel be originated. The techniques for successfully placing special needs children are established, but they must be provided to all caseworkers.

I am also suggesting a national clearinghouse of information, so that adoptive families and children can be brought together, so that all children who need adoption can be identified and, hopefully, be placed.

A tracking system is also important, so we know where children are and what their needs exactly are, and that the Federal Government, by that, attempt to encouraged interdisciplinary cooperation and also, interest in and between the several States, toward good case management and the placement of children.

I am also encouraging postplacement support services; adequate caseworker training is required to provide the parents with counseling and other supportive services. Federal funding is required to establish a caseworker/caseload ratio that is workable.

I am also suggesting very strongly that we have a national adoption policy. The placement of children in States other than the ones in which they are domiciled can be and should be a necessary part of the solution, but will never be totally possible until mandated and facilitated by uniformity in adoption practices.

I am also asking for financial involvement in the form of adoption subsidy, and in the form of care for those children with preexisting conditions, so that the financial burden can be eased or eliminated to adoptive families who care for these children.

I think very definitely that your bill, S. 961, addresses these issues. I favor its passage. The council wholeheartedly endorses its passage. And we sincerely beseech the committee to act on it without any further delay.

Any delay, no matter how long it is, is going to cause suffering to these children, who have already suffered so much, and who need not suffer any longer.

The solution is there, and its benefits in terms of cost effectiveness to the taxpayer, and in terms of the alleviation of human suffering, is outstanding, and on that basis alone, I do not see how we can ignore it any longer.

I thank you for your time, Senator.

Senator CRANSTON. Thank you very, very much.

[The prepared statement of Mr. Adcock follows:]

# STATEMENT OF
# GERALD B. ADCOCK, CHAIRMAN
# PUBLIC POLICY COMMITTEE OF
# THE NORTH AMERICAN COUNCIL ON ADOPTABLE CHILDREN

PREPARED FOR
SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT
UNITED STATES SENATE
APRIL 4, 1977

Mr. Chairman, and distinquished members of the Committee, my name is Gerald B. Adcock and I am the Chairman of the Public Policy Committee of the North American Council on Adoptable Children. The Council is a citizen advocacy organization representing over 200 adoptive families organizations and over 5000 citizen members.

The goal of the Council is to increase individual and group effectiveness as advocates for the increasing numbers of children who are denied the love, stability and security of a permanent nurturing home.

I want to commend the Committee for its attention to the dire needs of waiting children. The problems of adoption of waiting children is the most easily solved of all the problems of children and the one which offers the greatest benefits in terms of economics and the alleviation of human suffering.

Although the Council's membership base is adoptive parents, it must be strongly emphasized that adoption of waiting children is for waiting children and not for waiting parents. Far too many social welfare officials still view adoption as a process whereby infertile couples establish their families and these couples are not considered to be the kind who would adopt the waiting children who have very special needs. Thus, the emphasis when placed on the needs of parents automatically excludes the very children we must be most concerned about.

Parents are, however, a big part of the solution. The Council focuses its programs on recruiting, educating and supporting parents so that to the extent possible with our resources, a greater number of solutions in the form of a greater number of permanent homes are available to waiting children.

The key to the problem is identified by the key words "to the extent possible with our resources". I refer now to not only the limited resources of the Council, but to the fact that every adoption resource is in one way or another tragically limited. Private agencies find they are more vigorously competing for an ever-shrinking charity dollar and public social welfare agencies are given to focusing problem solving energies and monies on the more glaring and attention commanding social problems. Welfare mothers have organized and learned how to lobby but homeless children wait patiently. The sad truth is that some governmental entities throughout this great land simply do not have either the desire, skills, or money to provide high quality adoption services.

In spite of some voices to the contrary, there are certain matters in which the Federal Government must be involved and in which only the Federal Government can provide the necessary impetus for action through leadership and funding. Adoption is one of those matters

The special needs of waiting children are not likely to be met until Congress decides that they will be met and commits the Federal Government to doing it.

I suggest that Federal Government involvement occur in the following forms:

1) That adoption services be mandated

Leaving adoption to the option of state and local governmental entities will only continue to deprive many children of permanent nurturing homes because they are domiciled in areas where adoption is not a priority service. The attention of state and local officials must be directed toward viewing adoption as a viable alternative for homeless children other than white healthy infants.

2) Provide firm leadership

The problem is national in scope and so massive that Federal leadership is required to establish and maintain the expertise which will solve the problem. This must occur in the following forms:

a) Public Relations - A national effort is needed to enlighten our citizens to the problems and solutions of special needs children. People must perceive adoption as very possible and very workable. They must be aware of the support services available to adoptive families. A broad public relations program will reinforce the Federal Government's effort by focusing the public's attention on the problem and creating a climate conducive to change. The impact of this upon the recruitment of adoptive parents would be tremendous.

b) Training Personnel - The techniques of successfully placing special needs children are established but must be provided to all caseworkers.

c) Establish a National Clearinghouse - We must have a means of identifying, on a national basis, all of the waiting children and all of the potential adoptive parents so that each child will have the best possible opportunity of finding the best parents available. Several states now have listing exchanges and the Adoption Resource Exchange of North America (ARENA), operated by the Child Welfare League, is national in scope. However, each appears to be limited by funds and by the condition that listing is often not mandated or monitored and potential parents are not listed anywhere. The individual state exchanges are not required to participate with other states in placing or accepting children for listing. We must have Federal Government sanction and clout in this process.

d) Tracking - The implementation of a nationwide tracking system is necessary to identify the children in need of adoption services. Far too many children are lost in the legal maze or are hidden by foster care caseworkers who believe that the best plan for the child is the foster care they are supervising. Often these children are left to a fate similar to the one they were extricated from. Federal involvement structured to encourage interdisciplinary cooperation and interest in and between the states toward good case management is most important.

e) Post Placement Support Services - Adequate caseworker training is required to provide the parents with counseling and other supportive services during the adjustment period following placement. Federal funding is required to establish the caseworker/caseload ratio which is workable. One caseworker can only handle several difficult placements in a year, but even the cost effectiveness of such placements is a far superior economic alternative to foster and institutional care.

f) Establish a National Adoption Practices Policy - The placement of children in states other than the ones in which they are domiciled is often a necessary part of the solution, but will never be totally possible until mandated and facilitated by uniformity in adoption practices. With Federal Government impetus, we can achieve an exchange of adoption practices and hopefully sort them all out and possibly obtain from that a generally accepted - or perhaps mandated - adoption practice which will serve the needs best with all of the resources available. The adoption professionals take their responsibility seriously- as well they should - but this leads to an almost saviouristic attitude which holds that "I know what is best for those in my care". What really occurs is that they know their method is somewhat proven and they will not depart from it for fear of taking an unknown risk. Consequently, much is not shared and much is lost.

g) Federal Financial Involvement - Federal dollars are required to solve this country's plight of the waiting child but two areas must be specifically addressed. The first is the bitter irony faced by the child with severe medical problems; if the child finds a home, public support for his pre-existing medical condition ceases and private support for pre-existing medical conditions is not available. Therefore, the child faces the tragic dilema of being deprived one way or another. Children who are eligible for Medicaid assistance must have that eligibility continued so that adoptive parents will have some protection against financial loss. Most adoptive parents simply cannot bear this burden and consequently children will continue to wait. The second consideration is adoption subsidy. Subsidy should be made available to children who cannot be adopted without it, or where it would be detrimental to remove the child from a foster home and thereby sever the stability already achieved. Generally, subsidy should continue to the age of majority regardless of the changing level of the adoptive parent's family income. Anyway its cut, subsidy is humanly and financially effective. Much savings will be realized because the great overhead inherent in administering foster care will be eliminated.

No elaboration is needed on the benefits derived from giving a child permanency

Ample proof can be found throughout the country to support the Federal Government's undertaking of the program described above. Look to the success of the efforts of the Edna McConnell Clark Foundation, the North American Center on Adoption, the North American Council on Adoptable Children and states like Michigan, California and several others, and you will see the evidence of great accomplishments promised by the execution of these kinds of programs on the massive scale that can only be undertaken by the Federal Government.

Although I have previously cautioned that we must look at adoption as a service to children and not parents, I must caution with equal emphasis that we cannot ignore the role of parents in adoption policy planning. They are, after all, the greatest potential for recruitment and supportive services and are informed by first-hand experience.

Listen to the words of one of this country's most wonderful adoptive parents, who has testified in previous hearings, Mrs. Patricia Kravik of Washington, D.C.: "Just as our approach to what constitutes an adoptable child must be rethought, so must the concept of what constitutes an adoptable family for the special child be reconsidered." I can really think of no one group better qualified to do this than adoptive parents working with the professional community

It is important to note that throughout the series of hearings on this kind of legislation, we have heard many kinds of opinions and views on how the problem of the waiting child should be approached. Again this is brought about by the many disciplines involved and many practice histories represented by the witnesses. I am concerned that this might appear to be a rather confusing panorama to those who receive it. Perhaps many of those who share the concern for this problem have not yet understood that effective political action often begins with mastering the art of compromise. I respectfully urge the Committee to pull together the best it can, but to make a commitment toward a legislative resolution of this problem. I cannot imagine those who do not find their ideals totally incorporated into law ignoring the solutions thereby offered. I think the hour is quickly approaching when we must conclude that there is work to be done and then do it. S.961 essentially provides the solutions I have discussed and I strongly recommend its enactment.

The North American Council on Adoptable Children thanks the Committee for its attention to this problem which concerns us deeply and commends the staff persons Frances Butler and Ellen Hoffman for their expertise and cooperativeness in working with so many of us who want to address the problem.

Senator **Cranston**. Mr. Forsythe you may proceed.

## STATEMENT OF PETER W. FORSYTHE, VICE PRESIDENT, EDNA McCONNELL CLARK FOUNDATION, NEW YORK, N.Y.

Mr. **Forsythe**. Senator, my name is Peter Forsythe. I work for the Edna McConnell Clark Foundation and am in charge of the children's program there.

That program has focused for the last approximately 4 years on the very issues before the committee today. I likewise would like to commend you and the committee for continuing its vigorous attention to this issue, and to speak specifically in terms of the opening comments I would like to make, regarding the question of delay and the environment in which these issues have been discussed in the past.

Probably the most dramatic advocate for timeliness in terms of children's policy is the book by Freud, Goldstein, and Solnit, in which they introduce the notion called child time. That is, that we begin to think in our policy deliberations in a span and time and years that relate to the development of a particular child, rather than looking at these issues as adults look at time.

It seems to me the failure of the administration to have any semblance of child time in their focus on these issues gives me great cause for concern.

It is very clear that this is not the whole problem in child welfare. I, too, would wholeheartedly support a thorough review of the child welfare policies of this country, and the integration if IV-B and title XX and other issues that should be addressed.

But it is terribly important, it seems to me, to see S. 961 for what it is: a special incentive, tightly focused bill, on a specific problem that we know enough about and we know enough about the problems caused by inattention to warrant moving ahead, without waiting any further.

If one looks back at what has happened to some of the provisions that are now involved in S. 961, some of them began to have active discussion in the Federal bureaucracy in 1967. They may go prior to that, but that is my earliest awareness of them.

I personally have discussed with six successive commissioners of the Community Services Administration—now under a different name, now under a different authorization, with Ms. Martinez—some of the issues that are in S. 961, and have received from those six successive commissioners exactly the same response that the committee got today: "Yes, it is a problem, but we are working on it, and we hope in the future that we can find some way to deal with this in the context of other social welfare issues."

The Senate, I am sure, will remember that many again of these same provisions have passed this Senate before—in fact, twice—once, in the context of welfare reform, only to be lost in conference committees, simply because it was not a big enough issue to survive that kind of tough discussion, when all the big tickets were on the table. And it is for those reasons it seems to me, specifically, that both an attention to history by the bureaucracy, as well as adoption in context should make us move forward with vigor.

Senator **Cranston**. That is a very, very good added ingredient to this discussion this morning, by the way.

**Mr. Forsythe.** A further concern that we do not hear any specific timetables or any specific references, other than the late 1970's or 1980, and indeed, reliance on the conference on families, which is a wonderful thing to have supported by the administration, would simply mean that even the data gathering would be going on 2 or more years further from this time.

There are four parts to the bill that I think are essential, and again, the administration critique, it seems to me, fails to take into account that each addresses a specific kind of purpose.

Some may indeed have greater ramifications on overall welfare reform, but some have none at all, and their action on at least these parts immediately is certainly in order.

The identification of adoption of currently waiting children, as a priority in this administration and by the Federal Government, has never been enunciated.

We came closer in this campaign by statements both from the President and the Vice President than ever before, in highlighting the plight of children who needlessly are denied permanence and stability, simply because the system does not work, and that failure to work costs the taxpayers tremendous amounts of sums, over and above what it would cost if we made it work more properly.

And yet, there is nothing, either in the testimony today or in current legislation, which focuses on these children and their adoptive needs as a priority of policy.

Indeed, the administration spokespeople indicated that there are many priorities for children and suggested this may or may not survive a thorough review of all the things they think need to be done for children. It is indeed for that very reason that the purpose statement of this bill, the clarity of focus on what ought to happen to waiting children, is so terribly important.

The creation of an office to establish a national office on information and services relating to adoption is certainly not inconsistent with and could indeed be folded into any overall welfare reform and reorganization, if—and I hope when—that is passed in the future.

The exchange in data needs that prompted the questions from you, Senator Cranston, to the administration officials will indeed go on unless attention is directed very quickly to eliminate them.

The barriers to interstate placement of children, the inconsistency of rules and laws, will continue and will not be a part of welfare reform.

It seems to me the bill speaks articulately to a sensitive measure, a sensitive way of setting up a committee to deal with these problems that will involve those whose State and child advocacy interests can best help the Secretary in addressing a problem that will be outside the total scope of a forum, and indeed, there is no conflict at all, as I see it, in that regard.

And the special incentive grants that are provided must be seen for exactly what they are. They are a focus on those most needy of the waiting children, those who are the stickiest problems, yet unsolved.

It does not substitute for the underwriting in a more effective way in the future of broad child welfare services. It simply seeks to provide specific attention to a current problem for a generation of children that indeed will be bypassed if we wait any longer.

In my longer statement, I have tried to talk about several additional items that I think should be addressed. Clearly, I hope the committee realizes that attacking adoption in this specific focus is not the end of the problems in foster care and adoption.

There are other issues that need to be addressed, but I think, for the very reason that I have spoken about, the urgency, those matters should be taken in time and in other context. And I strongly support the attention that S. 961 gives to the specific problem.

Unless we have better case management for children, unless we have some removal of the funding disincentives that are included in the way title XX and title IV-B are currently administered, unless we have some mandated review and control over children who simply drift endlessly in foster care, we will not ultimately solve the overall problem.

But indeed, 961 makes a specific and, I think, properly focused attention on the heart of the problem, and the quicker the committee can get on with its passage and implementation, the better off those children and the country will be.

Senator CRANSTON. Thank you very much for that very forceful and helpful testimony.

[The prepared statement of Mr. Forsythe follows:]

Statement of
Peter W. Forsythe, Vice President
The Edna McConnell Clark Foundation
New York, New York

Prepared for
Subcommittee on Child & Human Development
of the Committee on Human Resources
United States Senate
April 4, 1977

My name is Peter W. Forsythe. I appreciate having been asked to testify before you and the opportunity to do so. I am a Program Vice President of The Edna McConnell Clark Foundation located in New York City. The subject of foster care for children is of both personal and professional interest to me. Personally, an adoptive parent of three and professionally the former Chief Administrator of social services in Michigan, I have long been interested in issues affecting the way we care for children. Other work and volunteer opportunities have, I think, given me a multidimensional perspective about the problems of children in need of parents. My current responsibilities with the Clark Foundation deal with Human Services and Law in a special effort to encourage constructive change in the way we care for children to ensure that as many of those as possible who find their way into the foster care system also find their way out. We are committed to trying to increase the number of children who return to pre care families or find new legal and permanent families through adoption after once having been in the foster care system. Needless denial of family ties and relationships is a costly disgrace which should no longer be tolerated. S.961 would put the Federal government on record as recognizing the problem, the availability of proven and cost beneficial remedies, and expressing the will to begin to correct this needless disregard of the need and right of children to have for nurture and, a healthy family relationship.

Family foster care is both necessary and appropriate as a temporary or short-term care alternative when removal of a child from a family is unavoidable in the best interest of a child. Foster family care provides a small and homelike atmosphere and , a set of relationships which should produce as little shock as possible in the move. We can and must do much to improve the delivery, financing, and effectiveness of temporary foster care. The recent GAO study on the subject shows that certain forms of foster care may ill serve the needs of children. We must not, however, ignore the benefit of appropriate service in the face of correctable abuse. Vigorous attention to abuse of children is needed wherever it occurs but often it is most pointedly attacked by attention to a succession of specific problems of significant magnitude rather than trying to attack all ills at once. Other times the reverse is true. The Opportunities for Adoption Act of 1977 articulately addresses a substantial part of the general problem in an effective way. Early approval would be a strong indication that new and effective policy protecting children is to be a significant priority in governmental policy.

General agreement that a homelike atmosphere rather than larger congregate living is preferable for children is a good sign. Few would dispute the principle. We are all too familiar with horror stories that make the point. Studies and investigations repeatedly reinforce our most obvious shortcomings. Unfortunately, we have not thought through the counterproductive implications of many policies that indirectly affect children and their futures. As a result, the interests of the children in foster care are not only underserved but substantial potential damage, with ramifications for succeeding generations, is both likely and probable. A careful review of implications of current social policy on family stability and parentless children is long overdue. Current signs of Congressional and Executive interest are encouraging.

The proper administration of foster care as a part of the overall children's policy of this country will cost less, not more. Current budget outlays for the primary costs of care and supervision of children now in the system can be reduced very quickly and the secondary cost saving to the taxpayer over the following years would be tremendous. By primary costs I mean what it costs for food, clothing, shelter, health care and supervision of children in out-of-home care. By secondary costs I mean the loss of constructive potential from underdevelopment of the child, the increased costs of special education for those developmentally handicapped by repeated moves and lack of stimulative support in early years. Potentially healthy children, future assets of society, are turned into liabilities requiring lifetime children, future assets of society, are turned into liabilities requiring lifetime public support. Secondary costs include increased juvenile justice system costs for the child whose antisocial behavior is the natural product of being cheated out of childhood and security. Lack of full development of self increases the likelihood of dropping out of school, unemployment, welfare support and probably worst of all, repeating the cycle with the next generation because of the absence of family model or role assimilation for good parenting. All of these are logical, normal and documentable results of a chaotic child care non-policy that pays little or no attention to the future of children. These deficits are statistical probabilities for the affected groups rather than certainties in every given case. All of them, however, are borne out by repeated and generally agreed upon disproportionate impact which lack of stable family nurture imposes on growing minds and spirits. The resources ill spent in denying permanence to may thousands could be better used to meet currently ignored children who desperately need other services.

The best current statement on the impact of discontinuity of parenting is the Goldstein, Freud & Solnit book, Beyond the Best Interests of the Child.[1] While one can earnestly debate the meaning of many of the proposed remedies, this book brought to the forefront of professional debate the central notion that parents, caring and committed adults, and continuity are essential for healthy children. Therefore, the person or persons regarded by the child as parent, and fulfilling that role, the child's "psychological parents," should receive state protection if we are really interested in the welfare of the child. Of course, that is not the only issue, but it is truly central in face of current statutory language and judicial utterance which has moved us only a little from the age of the child as "chattel."

The primary message that I want to convey is that our public and private schemes of foster care have too often not functioned as though we held the central motive purpose to be child centered or child serving. Whether one looks at funding patterns, the absence of leadership and standards enforcement, the management void or the outdated statutes and procedures relating to custodial rights of adults in

---

(1) Goldstein, Joseph; Anna Freud; Alfred J. Solnit, Beyond the Best Interests of the Child, (New York: Macmillan Publishing Co. 1973).

children--the foster care system looks for all the world as though its primary purpose was to weaken family ties, not preserve them; to ignore psychological parent-child relationships once established rather than to protect them; and to condone a level of management nonfeasance which can leave three foster children in ten completely unprotected with no caseworker responsible for their well being or future planning.[2]

There are many problems facing this nation which defy solution: the numbers involved may be too large, the complexity of the problem too great or the enormity of funding required beyond our means. When looking at our foster care chaos, no such rhetoric of impossibility can be used as an excuse. For little or no additional money (maybe even less) using known and tested approaches, major foster care reform for the benefit of children is reachable with current knowledge. Significant system change would be to the benefit of children in terms of self-image and well-being in care, for their future growth and development and for their future as parents of our next generations. The Adoption Opportunities Act of 1977 creatively applies some responsible remedies to our current neglect.

First let me make some initial comments on the policy issue paper on foster care and adoptions, prepared in 1975 for the Senate Subcommittee on Children and Youth.[3] Most of that material is as relevant today as it was then. We have talked in the interim but no results have yet emerged. I believe the summary of findings and recommendations is still the most accurate and concise single statement of basic problems and constructive solutions that exists in the literature. It goes beyond adoption, but addresses it in context. The basic suggestions which I want to make are slightly different from, and substantially more brief than, the detailed list in the Mott Report.

There are four basic areas where serious attention must be given if Federal policy and legislation are to have a major constructive impact on the foster care system. S.961 effectively addresses adoption issues in at least two of them.

---

(2) Gruber, Alan P., A Study of Children--Their Biological and Foster Parents (Commonwealth of Massachusetts: Governor's Commission on Adoption and Foster Care, 1973).

(3) Foster Care and Adoptions: Some Key Policy Issues prepared for the Subcommittee on Children and Youth of the Committee on Labor & Public Welfare United States Senate, August 1975. Prepared by Paul E. Mott, Ph.D.

1. Policy, program leadership, and training.

2. Goal-oriented child-centered case management.

3. Removal of funding disincentives.

4. Mandated review and accountability.

Together these represent the kind of responsible yet broad, attack that would fully address the current problems and each is the responsibility of, appropriate for, and within the fiscal limitations of the Federal system.

1. Policy, program leadership, and training. We currently have no clear commitment that the purpose of the foster care system is to provide the best possible care for children or that it recognizes their right to permanence, stability and nurture as innocent victims of family difficulty. Until such a statement is clearly made, and the contradictory policy reconciled to this basic commitment, we will have confusion, double-talk, fuzzy directives and plenty of justification to continue the chaotic, child-destructive system of the past. A clear statement of purpose must be carefully drawn but could have major impact in sorting out a hierarchy of values whose current undifferentiated status permits justification of virtually every abuse from which the system suffers. A statement of the right of every child to continuity in nurture during that period of life so critical to their growth and development is a minimum first step. S.961 in its findings and declaration of purpose addresses this concern. It is the clearest attempt yet to articulate this basic purpose issue.

Clarified Federal program leadership is a must. The current reorganization in DHEW offers a chance to end the splits in services responsibilities which have effectively handicapped communication and cooperation in recent years. A clear delineation of responsibility with an overall focus to both design program standards and delivery, through the regional offices, the Federal assistance which can bring about change at the delivery level, is absolutely essential to significant progress. Secretary Califano has made a bold beginning toward this end. Some clear designation of responsibility and priority to assure a much greater degree of permanence and stability for children who are removed from families by governmental or voluntary parental action from their homes and placed in the custody of the court, state or voluntary agencies, is the only way to elevate the current low level of concern for these children and their future. It is important to raise that goal sufficiently high to attract enough attention to assure the necessary practice and funding changes. The Federal mechanism to express that clarity is, potentially, in the best position to do so in many years. It is too early to tell whether that potential will be realized. Reorganization in itself can't meet the challenge but it can prepare DHEW to do it, and hopefully that will be the early result.

Training of personnel involved in foster care and adoption is desperately needed. This includes training of foster parents, caseworkers, supervisors, program administrators, judges and all the allied and interrelated professions that provide services for foster children. The absence of training and professional standards, coupled with the absence of management, which will be discussed later, results in a performance which falls incredibly short of that which is both reasonable and generally obtainable. The regulations anticipated in S.961 and the placement results hoped for will only be fully materialized if better training can also be provided. Title XX funding is available for training in most of these categories, but current restrictions on utilization, and lack of focus on training in this particular category of need, will result in underuse of this important resource unless visible and significant new leaderhsip is provided. Serious attention must be given to the counterproductive rules which discriminate against the use of private funds as matching money to help train toward this public goal and purpose. The Foundation for which I work and others have seen programs fail to reach public employees in need because of these indefensible limitations. Without proper training of personnel, the turnover process in public social services is devastating to children who stay in care sometimes three times longer than the caseworkers who seek to meet their needs. The disastrous results of foster children "bouncing" from home to home with shocking frequency can be materially reduced, and therefore stability substantially enhanced, through better training as well as management accountability.

S.961 assumes we know which children need adoption and have marshalled attention to their long range needs. Too often this is not the case. Care must be taken not to overestimate the capacity of other parts of the care system to support the adoption efforts which will benefit from the stimulus of S.961.

2. Goal-oriented child-centered case management.

Once children are removed from families and placed in the child care system, the responsibility to assure that their needs are met becomes a public one. Government, having exercised the authority of the state to remove the child, bears the ultimate responsibility to assure that permanent, stable and constructive surroundings are provided which are superior for the development of the child to those from which he or she was removed. Statutes say this, the public assumes it is being done, but God, the staff and the children know that too often it is not. Good work is tough to accomplish in an environment of high case loads, rapid worker turnover, low level of training, uncertainty of priorities, funding disincentives and confusion, etc. without the imposition of some sort of management approach. Although authorities recognize this need, it still is largely unmet. Model efforts have been developed, tested, implemented and revised in a number of jurisdictions and settings throughout the country. New efforts are proceeding with private funds because of the confusion of public officials on these issues. The lack of a clear national implementation strategy, embodying the appropriate array of characteristics for useful child-centered case management, regardless of current efforts, still stands as a significant impediment to further progress. For children in foster care, who need adoption, at the very least management must: .

a. Focus on the appropriate goals for each child and enable, if not ensure, timely decision making at the caseworker level to permit achievement of those goals.

b. Facilitate more intensive and adequate first-line supervision to compensate for high turnover and lack of training. Most efforts ignore this absolutely critical link of supervision and responsibility.

c. Utilize a compatible core of data elements and procedures which would create an "environment of comparability" allowing at the very least a self-assessment by individuals and agencies. This capacity would do more for the elevation of performance levels than any other single thing I could suggest. We are frightened of accountability. Congress has not seen fit yet to get serious about it for the future of children in care.

d. Facilitate the tracking of all children in foster care to ensure that goals are set and services provided to assure the achievement of permanent, stable family settings at the earliest possible date consistent with their welfare regardless of movement between services or agencies or even across state lines. If the locus of the child or responsibility for her is unclear, what chance has she?

e. Ensure protection of the privacy and the security of children from inappropriate sharing of information within or between the sectors of the child care system. Computers can help protect children from being ignored and forgotten but only if done with sensitivity and protection beyond that required in non-human service applications. Again we know enough of the answers but are immobilized by the absence of the expression of sufficient public policy concern and priority.

3. Remove funding disincentives within current fiscal limits. Much that is wrong in the foster care system arises from insensitive or insufficiently flexible guidelines for the utilization of existing resources. Ironically, many extremely costly practices are perpetuated by inarticulate restrictions ostensibly designed to save funds. Title XX plans too often ignore adoption because of guidelines making ongoing provision of foster care take precedence. There is no easy way to shift case goal and receive reimbursement even when the child's need for permanence through adoption is clear. Appropriate use of family foster care would require a shift in the population in care to embrace significant numbers of those now cared for in custodial institutional settings and to release from any care at all tens of thousands that should be returned to pre care families or adopted. For them, retention in the system simply perpetuates a deprivation of security and consistent nurture.

Too often, rigidly drawn and politically determined foster care rate schedules fail to adequately cover even out-of-pocket costs for foster parents, to say nothing of the refusal to recognize significant service provided by foster parents, particularly for older and handicapped children. Board rates linked to middle income cost of living standards would be a significant step forward. At least one state[4] has done this with several years of success. Removal of current, much too rigid, restrictions on recognition of services of foster parents might permit recruitment and utilization of more specialized homes for those currently denied family settings because of the extent of the services required to maintain them in a home environment. Title XX made timid, but insufficient, steps in this direction. Foster parents are a fantastic positive resource. Misuse of them harms both family and child. The shift to better application of this vital resource would produce substantial fiscal savings over institutional care patterns, and provide immeasurable better environments for many children. I dwell at such length on these issues because they affect so completely the chances of real gain being made under S.961. Adoption is a subject worthy of legislative attention in its own right. The bill before you does that in a highly constructive way. Sight must not be lost, however, of the context within which new adoption rules and help must operate.

One important way out of foster care is the return to pre-care families. Funding disincentives must be removed in this critical area. Help to the child and family after return must be mandated to facilitate the retention of the child in the family. Currently no priority is given to this significant area. Every day cases are closed, services discontinued and hands washed after the discharge of the child from foster care. Too often, the child returns before the hands are dry.

The second major way out of foster care is in finding a new permanent family by adoption. Title XX has made major strides in eliminating prior fiscal disincentives in this regard. Further steps are necessary, however. Adoption must be a mandated service, whenever foster care is offered. It is incomprehensible that agencies can take children into care but not be mandated to provide for one of the primary ways for many of them to break the welfare cycle. It must be made more clear that post placement protective services are available after the adoption of older and handicapped children to prevent further disruption of the new famil, unit in the same way that we should prevent a biological family from being torn apart by similar pressures with the best protective service which the community can provide.

---

(4) Michigan Dept. of Social Services

Financing of uninsurable medical services for children in foster care and adoption is a serious problem. The absence of vesting of Medicaid eligibility in children who have serious handicaps or special needs is serious. Since private insurance is generally not available for such children once they are adopted, the removal of Medicaid coverage effectively blocks the permanent placement of the most handicapped in all but the wealthiest of families. The result is that public treasury continues to bear not only the medical risk but the board and care as well as social service expense. Prompt and immediate action to assure correction of this indefensible anomaly is essential. Specific legislation should be introduced to make this correction as swiftly as possible. S.961 does address and properly define the necessary breadth of the coverage in Section 4(e)(3).

One last fiscal disincentive that remains a major stumbling block to the achievement of family continuity and permance for children in need of adoption, is the failure of the Federal government to continue its participation in support subsidies for children who otherwise will not be placed for adoption. Here S.961 makes a major contribution. However, in relying on a special grant mechanism, it doesn't fully address the need for long term stability in such help when a family is expected to make a permanent commitment contingent upon such help. The Office of Child Development in DHEW has distributed a model adoption subsidy bill which suggests to states an excellent framework to protect adoption subsidy from significant abuse while making it available for all children who in its absence would be denied family stability. Federal legislation is necessary to permit the continuation of full Federal participation in the support program. S.961 alleviates the problem but would not alone protect the state or family in the future. We should be able to depend on adoption assistance being at least as predictable as support for foster care. To do less is to rest on the shoulders of children the failure of our services support system to act in its own interest or that of its most vulnerable clients. In the absence of this effort, children remain by the tens of thousands not only on the Federal maintenance payroll, but at least as the nominal beneficiaries of services, administrative costs and other expenditures which perpetuate both the human and dollar waste.

4. Mandate review and accountability. The power to remove children from families or place them in new ones is so awesome that the law provides strict statutory procedures for both processes. To do one but not the other, and thereby leave a child hanging in limbo throughout his developmental years, is equally if not more serious. Yet, only a few states have review and accountability procedures that have any probability of effectiveness. Modern standards generally support this direction. Federal policy has been less clear. Federal legislation and regulations should require as a condition of assistance that an effective mechanism for full and objective review of case planning and goal achievement be provided. This should rest ultimate responsibility in the juvenile and family courts which through utilization of full due process, will assure that all interested parties can be heard. A good administrative procedure within the individual care giving agency is necessary but is inadequate: it is the first step toward assuring good service but too subject to self interest to rely upon alone. Although essential to good management, there are too many opportunities to hide one's own mistakes, neglect critical but uncomfortable issues, make self-serving decisions, fail to recognize conflicts of interest, and perpetuate blind spots in the understanding of alternatives. To provide counsel for a child when he steals candy from the corner grocery, but not when decisions are being weighed affecting his future custody, family ties, name and nurture represents an imbalance of priorities which must be changed. Surely basic custodial issues are so critical that a full presentation of the interests of the child to those required to make or justify decisions about his future, must be guaranteed.

Such reviews must be made in a timely way, preferably within six months of placement and at least annually thereafter. Foster parents; biological parents; the child, if old enough to participate, and the agency charged with planning and care should be heard on the justification of current arrangements and the appropriateness of future plans. Teeth must be provided to assure that all parties comply with an accountability process. S.961 cannot assure this. It can, and these hearings should, be considered in the context of these larger realities which must also be addressed by this and other relevant committees of the Congress and the Executive Branch as quickly as possible.

These comments on the foster care system focus on what is wrong with it. The foster family care setting has many strengths and the system many facets which deserve our commendation and praise. Nevertheless, it is the concern of this Committee, it is the obligation of the shapers of public policy, to find ways to cure what is wrong not just to praise what is right.

There are two specific places in S.961 where I strongly believe some language improvement is in order. Section 5(b)(1) begins to describe the information gathering and dissemination role of the proposed Office. The Office is a critically important step. Its mandate must be sufficiently clear, however, to describe the job that needs to be done. I urge the amendment of subsection (1) as follows.

(1) Provide for the establishment of a SYSTEM OF INFORMATION AND DATA GATHERING ADEQUATE TO ASSURE THAT ALL CHILDREN IN CARE AND IN NEED OF ADOPTION ARE IDENTIFIED, THAT THE PERSONS AND AGENCIES RESPONSIBLE FOR SUCH CHILDREN ARE DESIGNATED AND THAT THE AVAILABILITY OF CHILDREN AWAITING ADOPTION CAN BE EFFECTIVELY TRANSMITTED OR EXCHANGED BETWEEN STATES AND AGENCIES WHENEVER NECESSARY TO INSURE PROMPT AND APPROPRIATE ADOPTIVE PLACEMENT: ~~National-adoption-data-gathering,-tracking-and-analysis system;~~

In addition, Section 7(b) could be read to delay implementation of sections 5(b)(3) & (6) at all unless an appropriation above $10,000,000 is received and maintained. This would be unfortunate and might be corrected by the addition of clarifying wording as follows after the subsection (b) as written.

...BUT NOTHING HEREIN SHALL BE CONSTRUED TO CURTAIL OR DELAY THE IMPLEMENTATION OF S.5(b)(3) or (6) IN THE EVENT ANY APPROPRIATION SHALL FALL BELOW $10,000,000.

Your attention should be called to the safeguard in S.4(a)(3)(B) which effectively works as a "hold harmless" on spending for these children. In other words the government can do better but not worse than currently. This is true in both a proportion of Federal funds to others and with regard to absolute amount. Some may argue that this measure should await fulfillment of the dream of basic services reform. I hope such a plea, if it is made, will be rejected in light of the particular history of this body and the generation of children that has already been effectively lost. Parts of S.961 have passed the Senate at least twice. The last time it was that very larger "welfare reform" agenda which doomed the adoption issues. It was deemed too little to bother with in a conference committee emersed in larger Title XX issues. We have no business continuing to waste children and money while procrastinating. S.961 is fully compatable with every reasonable direction of broader reform. Fold it in or absorb it when, and if, the time comes but don't kid yourselves or the kids whose futures are at stake that a further put off is either necessary of defensible.

We can and must do a better job as soon as possible. No magic, or mountain of money, is required. No new technology or social science breakthrough needs to be awaited. The system is complex, the competing interests diverse and the traditions well imbedded. Nevertheless, we know a number of rational steps which can be taken within current fiscal limitations to bring about significant advances in the quality and appropriateness of foster care and adoption.

I have no illusions that adoption and foster care is either the largest or the most pressing of our national human services problems. What needs to be done is, however, achievable now. The lives at stake are in the hundreds of thousands at any one time, and in the millions for each generation that grows up in this country. It is our responsibility to do what we can, rather than lament what lies beyond our control. Your attention to the problems of children without parents, to the hopes of those who long for some family permanence, some name, some reassurance that they are valued and wanted, some portion of your energies devoted to assisting and bringing about needed changes in our system of foster care and adoption will be time well spent. S.961 won't do it all. It will do much. If I were able to bring the children whose identities and futures hang in the balance before you, I have no doubt but that you would act and do so promptly. I hope that you can feel their plight as much as if they were all here, the thousands for whom mother or father is just a faded memory or a distant dream, and thereby accept individual responsibility for what we can and should do on their behalf.

Nothing is more fundamental to one's self-image and development than being loved and cared for. Parents, siblings, family traditions, a place to go for celebrations, a warm and caring person to share both joys and sorrows; how little it seems to ask and yet how cruel and unusual the punishment when we create and perpetuate a void so avoidable.

Senator CRANSTON. Mr. Higley you may proceed.

**STATEMENT OF RICHARD E. HIGLEY, DIRECTOR, PLACEMENT SERVICES DIVISION, OFFICE OF CHILDREN AND YOUTH SERVICES, MICHIGAN DEPARTMENT OF SOCIAL SERVICES, LANSING, MICH.**

Mr. HIGLEY. Mr. Chairman, my name is Richard Higley. I am the director of placement services for the Office of Children and Youth Services of the Michigan Department of Social Services.

Placement services encompasses adoption, as well as foster care of both neglected and delinquent youth.

Studies of foster care in the United States from 1959 to 1973 note that children enter out-of-home care too easily, they remain too long, and they leave it too infrequently or not at all.

We are very proud of the fact that the total population of children in out-of-home care in Michigan is markedly below the national average. The figure in Michigan is an average daily population of 7,100 children in out-of-home care, or 2.2 children per 1,000 children under 18 years of age, while the national average is 3.8 children in foster care per 1,000 children.

Second, we are proud of the fact that the average daily population of children in out-of-home care has not increased by more than 1 to 2 percent over the last 4 years. Now, that is not to say that the numbers of children entering the foster care system have not increased; they certainly have. They have increased at the rate of approximately [illegible] percent per year. However, the numbers of children leaving the system have also increased at almost the same rate.

We are very proud of our adoption program, as well as our focus on returning children home and providing support services to families, in order to enable those children to stay home.

However, there are some serious problems that I think Senate bill 961 does address, and that I would like to stress.

The problems that we see: Numbers of children entering foster care are going to continue to increase for the foreseeable future.

There are three primary reasons. First, family breakdown, as evidenced by divorce and desertion statistics, are much more frequent.

Second, more children are growing up in single-parent families, and the incidence of neglect in single-parent families is remarkably higher than in two-person families.

Third, the increased use of preventive staff in our experience will, for 2 to 3 years, result in more finding of children who require removal from their families due to significant neglect and abuse. Mind you, I am not suggesting that we do not provide preventive services; indeed, we must do that. But we must at the same time anticipate that we are going to swell and increase the population of children in foster care as we develop and enhance our preventive services.

In Michigan, the cost of foster care has jumped from $17,500,000 in 1973–74 to over $38 million in 1975–76. That is a short timespan and a significant jump. The reasons are multiple, but some of them I think are noteworthy in view of this particular bill.

For example, the cost of living is up, and that is a normal increase we would all expect. But, these we might not expect. Placement of children in high-cost institutional care is increasing much more rapidly than placement in family care. And there are a couple of reasons for that phenomenon.

First, the pressure of time on limited staff resources, which results in staff utilizing available beds, instead of going out and recruiting and developing foster families who cannot only provide more economic care, but who can provide better care to the children in need.

Second, the diminishing number of experienced and licensed foster families is causing the high increase in cost of care and the greater utilization of institutional care, and that results from multiple reasons. No. 1, we do not pay full reimbursement to families who do take children into foster family care; we do not provide for liability protection for those families.

Another factor of cost increase is the fact that children remain too long in care. The average youngster whose parental rights are terminated by judicial decision in Michigan is in foster care for almost 3 years, or 996 days, by the time that decision is finally reached.

Another failure is our inability to provide the intensive services needed to support or rehabilitate the family and return the child home.

Mr. Forsythe mentioned financial disincentives. I would like to be just a little bit more specific, if I may, for a moment, Senator.

It is more economical to the State—and I think this is significant—to keep a child in long-term foster care than it is to place him for adoption with subsidy. There are no Federal supports for subsidy at the present time, but there are Federal supports for maintenance of a youngster in foster care.

Second, though it is not our policy in the Michigan Department of Social Services to provide fees for adoption, many agencies still do. And I think that consideration has to be given to making adoption a much more public responsibilty. I mentioned earlier the loss of experienced foster families, and I think this is an area of financial disincentive in the area of adoption.

No. 1, we are paying only 80 percent of recognized costs to foster parents; second, we are not providing public liability protection for those families who do take in children, and finally, there is a failure to compensate foster parents adequately for the kinds of miracles that they work out when youngsters are in their care.

Then one last item, in terms of the problems that we are encountering. In a recent analysis of some of our purchased institutional services for children, we discovered that several of our cheaper institutions, as measured by per diem cost, kept children longer and thus had a higher per child cost.

Frequently, the same institutions had less desirable outcomes—that is, the youngster left there to go to a more physically restrictive setting than the one he was in and we were financing before.

So what can be done about it? First, we must expect that costs will increase and that it will cost dearly to put States on a reasonable effective short-term foster care system.

In a recent review of counties with a high incidence of permanent wards needing adoption, we found very few adoption workers and less interest in having them. Incidentally, their foster care caseloads were also extremely high.

Second, costs paid to foster families should include all of the out-of-pocket costs. If we shortchange foster parents, we will then wind up using more high-cost institutional care.

Third, at present, we have limited ability to work with the biological family of the child, and we are not utilizing all of the expertise that we already possess. We need more projects funded to demonstrate service delivery methods in working with biological families of children in foster care, and I would contend we need something far broader than the programs that are currently fostered by the Department of HEW, such as the Tennessee project and efforts to replicate that project.

Fourth, we need definable and measurable objectives. In Michigan, our current objective in foster care is to increase the percentage of children who we return home, or for whom we file a petition to terminate parental rights, within 6 months of the child's entering the foster care system.

In a few demonstration counties, we have been able to raise the percentage from 6 and 7 percent up to 24 and 26 percent in less than 1 year.

Fifth, I would suggest that we be bold with caseloads. Now, we do not need necessarily 1 to 20 caseloads for all children in foster care. But I would contend that we should have caseloads of 1 to 10 for children in the system for 6 months or less, so that intensive services can be provided in order to return those youngsters home, or terminate parental rights; and that we need caseloads of 1 to 35 for those in care beyond 6 months.

Finally, I support the bill's proposal for a committee on uniform adoption regulations. States function all too independently in this area, often to the detriment of the children involved.

The bill provides the needed forum for exchange and development of a model for procedure.

Second, I support the proposed grant program and its provision of funds to facilitate placement of children with special needs, and the provision of prenatal, postnatal, and post partum services to women planning to place their children for adoption, and in its provision of adoption subsidy for children with special needs.

I support the proposed national office of adoption information services, and I think we had clear evidence of the need for that demonstrated this morning in the exchange.

I also support the proposed study of adoptive placement by persons and agencies not licensed or subject to governmental regulation.

However, I will recommend against Michigan's utilization of funds under the grant program. The current language of the bill might permit us to initiate needed programs, only to have them wiped out or financed totally by State funding in the end due, perhaps, to some difference between Michigan's practice and the newly proposed Federal plan.

Let me give you a couple for instances. Michigan now has a judicial process of termination of guardianship or parental rights of an adoption agency prior to placement of a child for adoption. In other words, the child becomes a ward of the court rather than a ward of an adoption agency, prior to an adoption.

There are only one or two States in the country that have this kind of a procedure. However, we feel strongly about the value of such a system and would be unwilling to change it.

And if we were to see the model regulations proposing something other than this, we would not be willing to abide it and would therefore, perhaps, forfeit the funding that we have already stepped into under this provision.

Another for instance, Michigan has an adoption subsidy program to facilitate and encourage adoption of children with special needs. Our program does not require any means test for adoptive parents. It does not look at the parent income, but at the need of that youngster for placement. And this, too, we will be unwilling to change in our program.

So I would hope that perhaps some modification could be made in that proposal in the bill, by allowing the States to wait until such time as model regulations were developed before we had to determine that we were going to utilize any funding under the grant proposal.

I appreciate the opportunity to come before you to make these statements. Thank you.

Senator CRANSTON. Thank you very much.

[The prepared statement of Mr. Higley follows:]

STATE OF MICHIGAN
WILLIAM G. MILLIKEN, Governor
DEPARTMENT OF SOCIAL SERVICES
300 S. CAPITOL AVENUE, LANSING, MICHIGAN 48926
JOHN T. DEMPSEY, Director

Statement of Richard E. Higley, Director
Placement Services Division
Office of Children and Youth Services
Michigan Department of Social Services

Before the Sub-Committee on Children and Youth
United States Senate
April 4, 1977

## INTRODUCTION

My name is Richard E. Higley. I am the Director of Placement Services for the Office of Children and Youth Services, Michigan Department of Social Services. Placement Services encompasses adoption, as well as foster care of neglected and delinquent youth.

## Good News from Michigan

Studies of foster care in the United States from 1959 to 1973 note that ". . . children enter out-of-home care too easily, remain too long, and leave it too infrequently or not at all."[1]

We are very proud of the fact that the total population of children in out-of-home care (both delinquent and neglected youth) in Michigan is markedly below the national average: the figure in Michigan is an average daily population of 7,100 children in out-of-home care, or 2.2 children per thousand children under 18 years of age; the national average is 3.8 children in foster care per 1,000 children.

Secondly, we are proud of the fact that the average daily population of children in out-of-home care has not increased by more than 1 to 2 percent in the last 4 years. That is not to say that the numbers of children entering foster care have not increased; they have. They have increased at the rate of 10 percent per year. However, the numbers of children leaving the system have also increased at almost the same rate.

Finally, the area of greatest accomplishment in Michigan children's services is our placement of children for adoption. A far broader range of children are placed for adoption today than was true 5 and 10 years ago. For example, last year the Michigan Department of Social Services placed 135 children ages 11-17. Also, we have families waiting for mongoloid children. One-third of our adoption placements now are with foster families who have had that child in their care for 12 months and more.

Despite our successes, we have some glaring weaknesses that I would like to share with you. I believe that the problems we are confronted with in foster care and adoption in Michigan are common to all states. Secondly, I present these problems to you because I think you have, in the bill before you, an opportunity to alleviate some of these problems. Certainly the bill affords an opportunity to the states to demonstrate that system changes can be both cost-effective and in the best interests of the children concerned.

Some Bad News in Michigan and Elsewhere

1. Numbers of children entering foster care are going to continue to increase for the foreseeable future.

   There are three reasons why foster care is increasing. First, family breakdown, as evidenced by divorce and desertion statistics, is more frequent.

   Secondly, more children are growing up in single-parent families and the incidence of neglect in single-parent families is remarkably higher than in two-parent families.[2]

   Thirdly, the increased use of preventive staff will, for 2 to 3 years, result in more finding of children who require removal from their families due to significant neglect and abuse.

2. The cost of foster care is increasing dramatically.

In Michigan, the cost of foster care has jumped from $17,500,000 in 1973-74 to over $38,000,000 in 1975-76. The reasons for this cost increase are multiple, but some of the reasons are especially noteworthy.

A. The cost of living is up. In Michigan we pay foster parents on the basis of the Moderate Income Standard for an urban family of 4, as determined by the Bureau of Labor Statistics and updated by the Consumer Price Index. At present, we pay 80 percent of that standard, or 80 percent of what we compute that foster parents have to pay out-of-pocket. In 1977-78, we will go to 100 percent of the BLS standard for adolescent youth in foster care and in 1978-79, we will go to 100 percent for all children. So, as the cost of living increases, so does foster care cost.

B. Placement of children in high-cost institutional care is increasing more rapidly than placement in family care. The primary reasons for this phenomenon are:

1) The pressure on limited staff resources to serve more children and perform more planning and maintenance functions; a higher percentage of staff time is spent on placement of children in immediately available beds rather than spending time on recruiting and licensing more foster families.

2) The diminishing number of experienced and licensed foster families (who provide a much more cost-effective service to many children) is also responsible for much of the increased use of institutional placements. The decrease in foster families is due to our failure to provide liability protection to foster families while at the same time

placing more emotionally disturbed and delinquent youth in foster care. Another factor is the lack of sufficient and adequate training for both staff and foster parents.

C. Another facet of cost increase is the fact that children remain too long in care. In spite of our ability to move more children out of the system in recent years, many children remain in the system far too long. The average youngster whose parental rights are terminated by judicial decision is in foster care for almost 3 years (996 days) by the time that decision is finally reached.[3] A part of that problem is inadequate preparation of cases for court presentation by social work staff; another part of the problem is inadequate statutory definition of neglect with resultant continuation of children in "temporary" care.

And, another, more frequent failure is our inability to provide the intensive services needed to support or rehabilitate the family and return the child home.

3. There are short-term, financial disincentives to achieving permanence for children.

A. It's more economical to the state to keep a child in long-term foster care than it is to place him for adoption with subsidy. Subsidy should be an incentive to adoption, and even though it may continue foster care placements, it is cost beneficial because it discontinues staff costs. However, foster care costs are matched with federal dollars; adoption subsidy costs are totally state funded.

B. Though it is not the policy of the Michigan Department of Social Services to charge fees for adoption services, many agencies still do charge fees. It is difficult to recruit families to provide a community service by taking an older or handicapped child into their home if they must also pay a fee of $500 to $800. Attorney's fees may also add further disincentive.

C. I mentioned earlier the loss of experienced foster families who provide excellent care. In response to that loss, we use more high-cost, purchased institutional care (averaging approximately $40 per day per child). But, the loss of foster families (and the inability to recruit more families) is due to financial disincentives:

1) Payment of only 80 percent of recognized cost.
2) Failure to provide liability protection for foster families who care for public wards.
3) Failure to compensate foster parents adequately for the "miracles" they work with handicapped children and delinquent youth.

4. Lack of adequate federal and state standards of services to children and their families results in higher costs to achieve public neglect of children.

A. In a recent analysis of some of our purchased institutional services for children, we discovered that of our cheaper institutions (as measured by per diem cost) kept children longer and thus had a higher per child cost. Frequently, the same institutions had less desirable outcomes; i.e., the youngster left there to go to a more physically restrictive facility.

B. A recent analysis of staff turnover, paid holidays and annual and sick leave time showed that workers have only 4.1 days per week on their own caseloads. If a worker were able to conduct 5 interviews a day and was expected to have a minimum of 1 contact per week on each case, that's a maximum caseload of 20:1. That's a far cry from the 40, 50 and 60 to 1 that is prevalent in most states.
Yes, a 20 to 1 ratio is expensive, but I would contend that in the long run, 40 to 1 is more expensive because 40 to 1 does not move children into permanence.

C. Increasingly, the line worker is solely responsible for the decision that is made regarding removal of children from their homes, or for the decision to seek termination of parental rights. That worker, given the turnover at that level, is apt to be the newest and least qualified to make those decisions alone.

Lack of adequate supervision and lack of administrative review of case plan decisions is also very costly. Unless someone intervenes on behalf of a child, the child may be forced to drift in the system indefinitely.

## What Can Be Done?

1. We must expect that costs will increase and that it will cost dearly to put states on a reasonably effective short-term foster care system.

   In a recent review of counties with a high incidence of permanent wards needing adoption, we found very few adoption workers and less interest in having them. Incidentally, their foster care caseloads were also high.

2. Costs paid to foster families should include all out-of-pocket costs. If we short-change foster parents, we will wind up using more high cost institutional care.

3. At present, we have limited ability to work with the biological family of the child and we are not yet utilizing all of the expertise that we possess. We need more projects funded to demonstrate service delivery methods in working with biological families of children in foster care.

   We could also use funding of specialists or consultants to get the expertise to the line level.

4. We need definable and measurable objectives. Our current objective in foster care is to increase the percentage of children, who we return home, or for whom we file a petition to terminate parental rights, within 6 months of the child's

entering foster care. In a few demonstration counties, we have been able to raise the percentage from 6 and 7 percent up to 24 and 26 percent in less than 1 year.

5. Let's be bold with caseloads. Now we don't need 1:20 caseloads for all children in foster care. But, I would contend that we should have 1:10 caseloads for children in the system for 6 months or less, and 1:35 for those in care beyond 6 months.

6. Finally, I do not favor assumption of federal funding for children voluntarily placed in foster care by the parents or guardian of the child. A judicial determination of need to remove the child should be required.
   I would prefer an expansion of the children eligible for foster care funding, whether under Title IV A, or otherwise, by expanding the poverty definition for these children. These children are in need of federal support because they must be removed from their homes, not because they are poor.

## FOOTNOTES

1. Kermit T. Wiltse and Eileen Gambrill, *Foster Care, 1973: A Reappraisal*, Public Welfare (Winter, 1974).

2. Kent County Juvenile Court (Michigan's second largest county) found in 1970 that more than 85 percent of its children adjudicated as neglected came from single-parent families.

3. David Thomas and Gloria Thomas, *Temporary Foster Care Program Proposal*, an unpublished report from the Child Care and Placement Information System's Management Reports (January, 1976).

Senator **Cranston**. Mr. Ahmann, you may proceed.

## STATEMENT OF MATHEW AHMANN, ASSOCIATE DIRECTOR, NATIONAL CONFERENCE OF CATHOLIC CHARITIES

Mr. **Ahmann**. Mr. Chairman, I am Mathew Ahmann, associate director of the National Conference of Catholic Charities.

Ninety-one percent of our diocesan agencies have well-run adoption placement programs.

Senator Cranston, I am glad to appear before you again, but I am sorry it is on this subject. Through your courtesy, this piece of legislation was the first piece that I began to work on when I came to the National Conference of Catholic Charities 4 years ago, so I was startled this morning to hear the Assistant Secretary say I might have to wait another 4 years before we can tell our agencies that something of this order has been made law.

Senator **Cranston**. I do not think you will have to wait that long.

Mr. **Ahmann**. I fail to understand why this bill cannot be passed, and if HEW comes along with a better program, this could easily be integrated into it or repealed. So we do hope—and I am glad to hear the chairman say the committee hopes—to go right ahead.

We are in total agreement with the Opportunities for Adoption Act. We have a couple of suggestions, which we have made before, which we will reiterate, but we would not be sorry at all if the bill were reported out just as it is.

The few comments I do have to make relate largely to section 4. We are pleased by the range of assistance to the adoptive process, envisioned in section 4(a)(1); and the provision to help agencies meet the costs involved in the adoptive placement of children is very important, since it is becoming increasingly difficult for families to meet all of these costs, especially of children who do have special needs.

It is not true, as some believe, that agency adoption programs pay for themselves. Many of the problems we have in the field, including part of the gray market adoption problem, arise from inadequate resources on which agencies and parents can draw. More staff is needed, and inservice training is imperative in the face of a rapidly changing adoption scene.

We have a couple of comments on section (a)(2). Senator, you are to be congratulated for looking so far ahead, to see that adequate prenatal and post partum care, including nutritional care, are essential for a trouble-free pregnancy, and to prevent the many lifelong problems which arise in children whose mothers have not received adequate nutrition or health care in their prenatal days.

In the absence of a universal health insurance program, we feel that these pregnant women should be guaranteed adequate prenatal and post partum care.

I might observe here, in relation to the gray market adoption problems on which the predecessors of this subcommittee have had hearings, the promise of payment for full medical costs has been a contributing factor in influencing women to move into independent adoptions. If universal coverage for pregnant women is not able to be established at this point—and the administration's health insurance proposals have not yet been forthcoming—we would like to urge strongly that such eligibility be granted to all pregnant women who are considering placing their children for adoption.

We feel that the present language in the bill, relative to mothers who are voluntarily planning to place their children for adoption, might have the effect of forcing an early decision on the prospective mother. So we hope the language can be modified.

If not, we suggest in our testimony some language you might consider in the report, which would indicate the intent of the committee not to coerce mothers.

I would again like to mention our hope that the provision of medical and nutritional assistance, as well as other forms of assistance in the bill, will relieve prospective mothers from some of the tremendous social pressures to terminate their pregnancy by an abortion.

In short, the availability of assistance as outlined in the bill should help give prospective mothers a true choice in the face of a problem pregnancy.

Relative to section 4(b)(1), we would suggest that the bill make more explicit the right of parents to certify a change in need and reopen the assistance agreement because of a change in circumstances or an emergency, or an increase in the cost of care.

We also feel that this section of the accompanying report should make it clear that the subsidy agreement reached in one State continues even if the child and adoptive family subseqently take residency in another State.

The only gap we see in the bill—and perhaps it is better addressed in other legislation—is the some of our agencies in a few States find that a major block to the placement of children with special needs arises out of the fact that they are hard pressed to find funds to keep children in foster care while searching for adoptive parents.

Some States are not paying for this temporary care through private, nonprofit agencies.

As a result, because of the lack of private funds, the children are committed to the States. We do not feel that this unnecessary transferring back and forth is of any help to the child, and we hope that some source of funds will be available in modest amounts in those States which do not pay for foster care in private agency settings.

Mr. Chairman, we look forward to the adoption of the Opportunities for Adoption Act, and to working with the subcommittee and the committee as it goes forth.

Thank you very much.

[The prepared statement of Mr. Ahmann follows:]

# ADOPTION OF CHILDREN WITH SPECIAL NEEDS

TESTIMONY TO

SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT

COMMITTEE ON HUMAN RESOURCES

UNITED STATES SENATE

APRIL 4, 1977

Presented for the National Conference of Catholic Charities

by

Mathew Ahmann, Associate Director

I am Mathew Ahmann, Associate Director of the National Conference of Catholic Charities. Monsignor Lawrence Corcoran, our Executive Director, regrets that he could not be here himself today to deliver this testimony in support of S. 961, as introduced by the Chairman, Senator Cranston, by Senator Riegle of this Subcommittee and by other members of the Senate. We hope that testimony today might encourage the Subcommittee to report out this modest proposal to meet a very special need of some children in our society—the need of children for permanent families.

The National Conference of Catholic Charities coordinates the Catholic Charities Movement and serves some 1,500 agencies and their branches and institutions in their effort to provide human services. Of our 147 member diocesan agencies, 91% have well-developed adoption services. 84% of them also have foster care programs.

We are pleased that the Subcommittee on Child and Human Development is again turning the attention of the Senate to the need of hard-to-place children for warm and loving family upbringing.

Because of Senator Cranston's courtesy, a preliminary draft of this bill was the first piece of legislation I worked on when I came to work for our Conference now four years ago. Broad consultation and hearings in the last Congress perfected the bill a great deal. We had hoped that the Subcommittee would have reported the bill last year, and the Senate passed it. The former Chairman of the Subcommittee, however, got caught up in an election. We hope the current hearing will demonstrate how needed the bill is to aid in the adoption of children with special needs. And we earnestly do hope that another election will not intervene before it becomes law. We deeply appreciate your interest Senator Cranston.

Our agency experience leads us to agonize over the children who may have had to wait the last four years because the modest assistance which would be provided by this bill was not forthcoming.

There are those who feel that Congress should enact no new program, even a modest one, until the Department of Health, Education and Welfare can be completely reorganized. Testimony on this legislation in the last Congress demonstrated that there is a gap. Certainly the need of a permanent and loving home for a limited number of our nation's children should not wait for that day when all will breath a sigh of relief that reorganization in HEW is finally complete and there is perfect integration in the delivery of human services. How long will children who suffer barriers to adoptive placement have to wait before they have permanent and loving families?

To protect the future of children, the cardinal principle is to insure that families have sufficient income, that family life is strong and healthy, and that children have the opportunity to grow up in the permanent security of a family environment. We are encouraged that the Administration has begun a study of options for welfare reform which we hope leads to a more adequate system of income maintenance, and one which respects the integrity and dignity of those in need. We look forward to the day when the Administration's proposal will be introduced into Congress. On the service side, we hope that when attention turns to improving Title XX of the Social Security Act, "preserving and strengthening family life" will be set as a specific goal, with mandated services, in a way in which the Title does not now do. We would also hope that the day would come when all Federal policy initiatives would be evaluated with their impact on children and family life in mind.

The "Opportunities for Adoption Act of 1977" (S. 961) has generally the limited focus of improving the adoption process, especially in the case of children who have special needs. The special needs of children arise from the accidents of birth, from problems of ill health or handicap, from inadequate parenting, from the inadequacy of our educational system, and from the structures of our society which treat families or children unjustly or place them in unusually stressful situations. Among these children are upwards of 100,000 (Senator Cranston's introductory remarks in the Congressional Record cited an estimate of 120,000) who are in need of permanent adoptive parents, but whose placement has been made difficult by their special need, or the lack of an adequate income in a family otherwise willing to adopt them, but who may have them in foster care. For example, Congresswoman Yvonne Burke, the House sponsor of this legislation, has reported that in California there are over 27,000 children in foster homes, many with special needs and therefore difficult to place in permanent homes. And California has one of the better functioning adoption subsidy laws.

The National Conference of Catholic Charities is in total agreement with the "Opportunities for Adoption Act," and as I have indicated have welcomed the opportunity to comment on previous drafts of the legislation. In our judgment the legislation has been perfected to such a degree that we would not be disturbed if it were reported out in its present form. We have made some recommendations to staff for matters which could easily be handled in the Committee report, and today will make just a few observations which we feel could constructively be still considered.

While the number of adoptive placements has been decreasing in our society for a variety of reasons, our agencies report a considerable number of children with special needs who are waiting for adoptive homes. In most cases, given the proper assistance and resources, permanent families would be available to these children.

In some cases biological parents find themselves unable to adequately care for a child with special needs because the financial situation of the family, or other problems, has produced internal family tensions, leading to foster care placement. While every effort to provide the services to strengthen that family must be made, with the objective of reuniting the family, in some cases the objective is not achieved and adoption will be preferable to permanent foster care.

In other cases foster parents are providing excellent parenting for a child, or for a sibling group, but neither they nor the children can make the relationship a permanently endurable one because of special obstacles to adoption, or because of special expenses the family is unable to bear.

In many instances a single biological parent is simply unable to care for a child and yet its special needs make it difficult to achieve an adoptive placement.

We find some families who desire to adopt but who cannot take on the burden of the special needs attendant on the adoption of some children. There may be unusual medical or social service needs; or in other cases perfectly acceptable parents simply do not have sufficient income.

Children may be hard to place in an adoptive home because of their age, or as the bill quite properly details, because of physical, emotional or mental handicap, or because of their race, or because they are members of a sibling group which should be kept together.

The fact is that a large number of children remain in foster care homes, with no permanent relationship with legal parents, and some remain, unnecessarily, in institutions. It isn't necessary to present your committee the case histories of children who are hard to place because they have special needs. You know the problems from other testimony the predecessor Subcommittee heard. The Child Welfare League's ARENA has case histories; we have them; others have them.

We do know from our agencies that an appropriate assistance program could provide most of these children with permanent loving parents. The experience of our agencies in those States which have begun subsidy programs on their limited means indicates that the programs do work. 39 States now have some sort of program, but the typical State subsidy is even below the foster care payment level. The elements outlined in S. 961, especially Section 4 relative to assistance and subsidies, are essential to enhance present State programs, and to stimulate the remaining States to adopt such programs. I would like to comment on several provisions of S. 961, especially the assistance provisions of Section 4.

We are pleased by the range of assistance to the adoptive process envisioned in Section 4(a)(1), and the provision here to help agencies meet the cost involved in the adoptive placement of children is very important since it is becoming increasingly difficult for families to meet all of the costs involved in the placement even of a child who does not have special needs. It is not true, as some believe, that agency adoption programs pay for themselves. Many of the problems we have in the adoption field--including part of the gray market adoption problem--arise from inadequate resources on which agencies and parents can draw. More staff is needed, and in-service training is imperative, in the face of a rapidly changing adoption scene. Now that the rights of unmarried fathers are being clarified, the complications and costs of freeing a child for adoption, which were sometimes considerable before, have compounded and increased. The costs of locating and freeing children in need of adoption, as well as locating suitable adoptive parents can be considerable. We assume that the last part of Section 4(a)(1) would permit the expenditure of funds which are sometimes needed to pay for the trips of prospective adoptive parents to see children with special needs, whose adoption they are considering, who may be outside the State.

We have several comments on Section 4(a)(2). Adequate prenatal and postpartum care, including adequate nutritional care are essential for a trouble-free pregnancy and to prevent the many life-long problems which arise in children whose mothers have not received adequate nutrition and care in their prenatal days. Mothers who are not wealthy, or who do not qualify for medicaid, frequently cannot afford the kind of prenatal care they need. In the absence of a universal health insurance program, we feel that these pregnant women should be guaranteed adequate prenatal and postpartum care. I might observe here, in relation to the gray market adoption problems on which this Subcommittee has had hearings, that the promise of payment for full medical costs has been a factor in influencing women to move into independent adoptions.

If universal coverage for pregnant women is not able to be established at this point, we would like to urge strongly that such eligibility be granted to all pregnant women who are "considering" placing their children for adoption. We fear that the present language of this section relative to mothers who are "voluntarily planning" to place their children for adoption might have the effect of forcing an early decision on the prospective mother and weigh it in favor of release of the child.

If for some reason, which we cannot imagine, the bill cannot be so altered in markup, we would urge that the following language be placed in the report on the bill:

> By using the phrase "voluntarily planning" in Sec. 4 (a)(2) it is not the Committee's intent in any way to see any coercive pressure on prospective mothers to place their forthcoming child in adoption as opposed to retaining custody herself. Acceptance of such prenatal, natal or postpartum assistance as might be needed to assure safe delivery of as healthy a child as possible is not to impose a requirement that an adoption agreement be previously or subsequently entered into, and this should be made known to the prospective mother.

I would also mention our hope that the provision of medical and nutritional assistance, as well as other forms of assistance in the bill, will relieve prospective mothers from some of the tremendous social pressures to terminate their pregnancy by an abortion. In short, the availability of assistance as outlined in the bill, should help give prospective mothers a true choice in the face of a problem pregnancy.

Relative to Section 4(b)(1) we would suggest that the bill make more explicit the right of parents to certify a change in need and reopen the assistance agreement because of a change in circumstances or an emergency, or an increase in the cost of care. We also feel that this section, or the accompanying report should make it clear that the subsidy agreement reached in one State continues even if the child and adoptive family subsequently take residency in another State.

There is only one gap we see in the bill, and it suggests another item which might be added to Section 4(a). Some of our agencies in a few States find that a major block to the placement of children with special needs arises out of the fact that they are hard pressed to find funds to keep children in foster care while searching for adoptive parents. Some States are not paying for this temporary care through private non-profit agencies. As a result, because of the lack of private funds, the children are committed to the States. The process of transferring children to public agencies from the private sector results in additional delays in finding homes. Moving the child from one foster home to another does not help the child. Something should be done to provide the necessary funds for private agencies to care for the children who have come to their attention while they search for adoptive homes. I should make it clear that we do not feel it would be healthy for State agencies to exclusively dominate the adoption field.

In closing, we are pleased with the philosophy and direction of the proposed "Opportunities for Adoption Act." Its passage would mark a significant step forward in efforts to locate permanent homes for the many children with special needs.

At the same time, adequate prenatal and postpartum care [illegible] an adequate adoption subsidy program should reassure mothers that others share their concern that their child receiving loving care and maximum opportunity in life. Such a program should also help to relieve the pressures on mothers to secure an abortion, and should also help to eliminate the "black" and "gray" market adoption problems. On this latter matter, we hope soon to see legislation which will make it a crime to buy and sell babies, and which will prevent perhaps well-intentioned but certainly misguided and often incompetent persons from dealing in the placement of children, assuring the proper placement of the child through a licensed agency living up to standards.

We are grateful for the interest of the Subcommittee in highlighting the problems of finding permanent families for children with special needs. We believe this bill will strengthen the ability of local public and private agencies to place children in permanent, loving homes. We hope the bill is reported soon. Thank you.

Senator **Cranston**. Thank you very much. I appreciate your very generous comments, as well as those of all of you in regard to this legislation, and particularly welcome your statement that you would be glad to accept the bill as is, although you do have some proposals that you feel would strengthen it.

Before asking some questions, I want to first thank each and all of you for your help to us this morning, and over the years.

And particularly, I want to thank Mrs. Cole, Mr. Forsythe, and Mr. Ahmann for your help to us in developing this legislation originally, through your own efforts, personally, and your organizations, and your assistance to us in refining it over the time that we have been wrestling with it.

I also want to note the all California nature of this hearing, and welcome my colleague, Senator Hayakawa. This is our first opportunity to work together on this subcommittee in a formal session, and I look forward to working with Sam and, I trust, moving this legislation. Sam, we will operate under a 10-minute rule. I will ask questions for 10 minutes and then yield to you if you have questions or comments to make.

I would like to ask each of you to be as brief as you can be in responding, so we can cover as much ground as possible. And if you want to supplement your answers in writing, and expand them, you are of course welcome to do so. We would like to get the material back from you within 7 days, however.

I would like first to ask each of you two questions.

First, so that the committee can get an accurate reading of the number or percentage of adoption groups that each of you represent, will you please give us an estimate of the size of your constituency, and tell us of any affiliate groups to which you belong or which you represent?

Could we just start over here and move across the table?

Mr. **Higley**. Senator, as a member of the staff of the Michigan Department of Social Services, we serve the 83 counties in the State of Michigan; we have guardianship jurisdiction and responsibility for approximately 1,500 children who will be legally free and available for adoption, wards of the State of Michigan. Also, we serve the 7,100 children, average daily population, who are in foster care within the State of Michigan and those are potentially youngsters who would also be available for adoptive placement.

Senator **Cranston**. Thank you.

Mr. **Adcock**. Senator, the North American Council on Adoptable Children represents over 200 adoptive parents' organizations and over 5,000 citizen advocate members.

Senator **Cranston**. Thank you.

Mrs. **Cole**. Senator, the North American Center on Adoption represents will over 2,000 adoption agencies, both in Canada and the United States. Specifically, it runs a service called the Adoption Resource Exchange of North America, which has been responsible for assisting in the placement of over 1,500 children over the past several years.

Mr. **Forsythe**. I am not sure, Senator, that the question is applicable to the Foundation.

Mr. AHMANN. The Conference of Catholic Charities, Senator Cranston, serves some 1,500 member agencies and their branches and institutions.

Of those agencies, 147 are diocesan agencies, taking up a large part of the State, and 91 percent of those diocesan agencies have well-developed adoption services; 84 percent of them have foster care programs.

Senator CRANSTON. I think I can simplify the next question I want to address to each of you, and you only need to respond in one particular sense.

Do any of you agree with the administration position that we should defer all action on this bill until they think all this through, over some vague period of time?

Mr. ADCOCK. No, sir.

Mr. AHMANN. No.

Mrs. COLE. No.

Mr. FORSYTHE. No.

Mr. HIGLEY. No.

Senator CRANSTON. A universal "no" in response to that.

Mrs. Cole, now, I would like to address some questions specifically to you. Why do you feel that Federal involvement in the adoption process is essential?

Mrs. COLE. For several reasons, Senator. First, I think we have to have a viable leadership before change will actually occur in the States. Specifically, the subsidized adoption programs will not be expanded until there is full financial participation.

I think you need a presence on the national scene that will be able to summarize what is the best practice. Leadership, I think, cannot go in name only, and I think the fact that there will be demonstration grants and money for subsidized adoption will make that leadership a viable option.

I think persuasion will not work.

Senator CRANSTON. How helpful has the Interstate Compact on the Placement of Children been in eliminating some of the barriers to interstate adoption placement?

Mrs. COLE. It has been helpful in eliminating some, Senator, but I do not think we can use that as a model for solving all of the problems of adoption.

The interstate compact was passed by States for several reasons. One is that it offers a State the option of reciprocity in another State without a privilege or without a benefit attached to the passage of legislation—without money, specifically—I do not feel that the States will change their rules and regulations.

The interstate compact allows things to stay as they were. It did not change the law of the State, it did not change the policy and regulations.

What we are about is to change the policy and adoption law. And I think without sanction or without benefit—the benefit being in the form of money grants—that will not happen.

Senator CRANSTON. What are some of the weaknesses of the compact as an adoption reform mechanism?

Mrs. COLE. Well, the interstate compact, Senator, really only affects a very small proportion of adoption practice. It affects the movement of children between one State and another. It does not say the children will move, it does not say how the children will move. It does not insure more children are placed in adoption.

It just insures that one State will honor and have reciprocity with another State. It does not eliminate black market adoptions. It does not in effect increase the number of hard to place youngsters who are waiting for adoptions by new families.

It serves well as a basic function, which is to insure reciprocity. But it really does not attack 95 percent of the problems facing us in adoption.

Senator **CRANSTON**. Would you tell us about some of the more dramatic examples of disruption caused by the lack of uniformity in State adoption laws?

Mrs. **COLE**. Yes, sir. There are some differences as to whether, for example, single parents should be placed for adoption, and that is a viable option for some States and not for others.

We find that we have youngsters waiting for families, known to us in my organization, and we have single adoptive parents who would take them in other States. But the child's State, for example, does not believe that single parents ought to adopt, and will not allow it.

Now, the fact that we can have a voluntary choice on the part of the State, as to whether or not to allow certain parents to adopt works to the detriment of youngsters.

I think uniformity, for example, in eligibility requirements is helpful.

Also, licensing agencies. States have very poor policies for licensing agencies. One benefit of uniform regulations which your act may not have envisioned is that it might eliminate black market adoptions in a certain way, because some of the people who are profiteering now are trying to become licensed as an agency. And in some States, the licensing laws are so weak that they are allowed to.

Having uniform legislation, promulgated by the Federal Government would, I think, serve as a deterrent to that kind of practice.

Senator **CRANSTON**. You do think that the lack of uniformity contributes to black market activities in the States?

Mrs. **COLE**. I think so, sir.

Senator **CRANSTON**. What is the extent, in your opinion, of the impact on black market placements because of this lack of uniformity.

Mrs. **COLE**. Well, I think in testimony before the Senate subcommittee last year, it became very obvious that the major traffic in black market adoption is in interstate, and what happens is that people who are buying and selling youngsters find a State whose laws are so lax that it will promote their practice. And the interstate compact does not stop that, because the interstate compact says that we will recognize the law of another State. It really does not change the law of that State. It merely recognizes it, as the receiving State recognizes the sending State.

What uniform adoption regulations will do will make the same set of eligibility requirements prevail across the country.

Black market adoptions curtailment is only one small, although, I think, major benefit that we will receive by uniformity—there are many others.

Senator **CRANSTON**. Thank you very much, Mrs. Cole.

Mr. Adcock, why has there been such minimal cooperation between and among the States in the area of adoption?

Mr. ADCOCK. Senator, I can conclude several things. Chiefly, I think that all of those professionals who practice the fine art of adoption become very savioristic in their knowledge, and say:

> I know what is best for this child. And I know it is best, because I have proven it best. I do not know that the nextdoor State is good. Therefore, I am going to have to cooperate with them.

I think to overcome that, we have to have rather specific and direct rules, that say you will.

Senator CRANSTON. How will the creation of a national computerized adoption information exchange system help in finding homes for children who are waiting to be adopted?

Mr. ADCOCK. First of all, it is going to serve those who need homes, and we hope that it would also service parents who are willing to provide homes. But I think it will bring the two together. It will make the adoption of these children a visible thing. It will provide those who are placing children with resources to use to do so.

And I think it will also provide some measure of accountability. If a child existed there too long, someone ought to find out why; and if it is not there at all, someone ought to find out why.

Senator CRANSTON. What is your view of the issue of tying the adoption subsidy to the income level of adoptive parents, and perhaps making subsidy available only to low-income parents?

Mr. ADCOCK. Senator, a subsidy, first of all, has to be directed toward the children we are talking about. And if it is a secondary matter of satisfying those needs, and is a consideration of parental income, then so be it.

Senator CRANSTON. Thank you very much.

I now yield to Senator Hayakawa.

Senator HAYAKAWA. I have a question to which I would like as many answers as the group of you would care to give. Would you tell me what is meant by a black market in adoptions? Does this mean any adoption that is not done through a social welfare agency, or what?

Mrs. COLE. It is an adoption arranged for by a broker and the broker receives a very high fee——

Senator HAYAKAWA. An adoption arranged by——

Mrs. COLE. By an independent broker, an entrepreneur, an intermediary. And the intermediary arranges this adoption for a fee.

Senator HAYAKAWA. Are they specifically in this business?

Mrs. COLE. Yes, sir.

Senator HAYAKAWA. In the same sense as somebody else is in the real estate business?

Mrs. COLE. Yes, sir. It is the buying and selling of children.

Senator HAYAKAWA. It is a business?

Mrs. COLE. Yes, Senator.

Senator HAYAKAWA. And do they list themselves in the Yellow Pages? Is it illegal, to start with?

Mrs. COLE. No, it is not, Senator.

Senator HAYAKAWA. Well, why black market, then?

Mrs. COLE. Why is it called that?

Senator HAYAKAWA. Yes. You see, "black market" is a highly judgmental term. If you are simply referring to private arrangements through private brokers, and it is not illegal, is it in some way wicked?

Mrs. COLE. Yes, sir. I think the distinction is between black market and independent adoption, which is recognized and is legal——

Senator HAYAKAWA. Well, what is the difference between independent adoption and——

Mrs. COLE. The payment of money.

Senator HAYAKAWA. Oh, the payment of money. I see. Well, if an independent adoption process is undertaken, let us say, by a family and a pregnant girl, through no intermediation and through no payment of money, is this legally recognized as a process that people can undergo?

Mrs. COLE. Yes, sir.

Senator HAYAKAWA. I see. And it becomes a market matter when there is a broker, that charges a fee for making these arrangements?

Mrs. COLE. That is right, Senator.

Senator HAYAKAWA. And they constitute a regular business in many States, or most States?

Mrs. COLE. I believe some individuals do make a business of it, Senator.

Senator HAYAKAWA. Well, I just want to know, if there is such a business, do they take out business licenses, like butchers and realtors and so on?

Mrs. COLE. No, sir.

Senator HAYAKAWA. And so I ask, in all seriousness, are they listed in the Yellow Pages? Is it a legitimate business, or is it not?

Mrs. COLE. No, sir. I do not believe that they are listed in the Yellow Pages.

Senator HAYAKAWA. But it is not illegal?

Mrs. COLE. Yes, sir. In most States, they forbid the placement of youngsters for adoption where the fee is exorbitant.

Senator HAYAKAWA. Oh, it is illegal?

Mrs. COLE. Yes, sir, it is illegal.

Senator CRANSTON. She said where the fee is exorbitant.

Mrs. COLE. Yes, sir.

Senator HAYAKAWA. And what defines "exorbitant"?

Mrs. COLE. That is the problem in policing the problem, sir, because the hazy difference between what is a legitimate professional fee and what is a fee for the finding of a youngster, there is a fine line between the two.

I think that the difference probably is, is the fee charged for this adoption higher than what is usual and what is customary for the service in that geographic area. If it is—for example, if it is a lawyer, and the fee is much higher than the fee he would charge for an ordinary adoption service; I think the assumption is that perhaps it is out of hand.

Senator HAYAKAWA. Well, is this a business that lawyers get into, then?

Mrs. COLE. Some do, sir.

Senator HAYAKAWA. Who else, besides lawyers?

Mrs. COLE. Physicians and people who——

Senator HAYAKAWA. Do the physicians make a charge for this?

Mrs. COLE. Yes, sir.

Senator **Hayakawa**. And nurses?

Mrs. **Cole**. I think in some instances, there have probably been documented that that has happened, as well.

Senator **Hayakawa**. And it is illegal if the fee is too high?

Mrs. **Cole**. Yes, sir.

Senator **Hayakawa**. And if the fee is moderate, it is not illegal?

Mrs. **Cole**. That is true, sir.

Senator **Hayakawa**. And how does the State—let us say, any particular State—define that which is too high?

Mrs. **Cole**. It is usually done on an independent judgment by the judge, much as probate cases are decided. And the judge will determine whether the fees in that individual case are too high or too low.

Part of the problem is that in some jurisdictions, the judge does not even inquire as to what the fee is, so that part of our problem in eliminating this is the absence of a standard.

Senator **Hayakawa**. Well, these must be very peculiar laws that are written, when they say that such-and-such fees can be too high, without defining what "too high" means.

Mrs. **Cole**. You are right, Senator, they are peculiar laws.

Senator **Hayakawa**. And do they exist in many States?

Mrs. **Cole**. Yes, sir, in all but about five States, where all placement by intermediaries are prohibited.

Senator **Hayakawa**. In all but five States?

Mrs. **Cole**. Yes, sir.

Senator **Hayakawa**. You see, I am a newcomer to this whole subject, so you will forgive my asking these questions.

Well, presumably, then, these people who arrange as independent brokers or as private individuals these adoptions, their adoption policies are not always fully suitable for the kind of child that is adopted, or the kind of parent family into which the child is taken; and presumably, professional services, such as you recommend in this case, would make for a more, a better matching of child with adoptive parents?

Mrs. **Cole**. Senator, the issues involved in that topic are extraordinarily complex, and I believe that the subcommittee has a full record of several days of testimony from experts on various points of view about it.

But I do believe, in answer to your question, yes, there is the general belief that this is not as good for children as other methods of placement.

Senator **Hayakawa**. Does anybody else want to comment on any of these questions?

Mr. **Forsythe**. I would like to make just one comment, at least from my knowledge of a number of years involved in these issues.

It is the public outrage of black market adoptions that should be stressed, as more important than the damage to individual children. The evidence is that kids get pretty good care—probably not as good as agency placements—and we could debate the degree of difference. But one federally financed study showed there is almost no difference.

But the public outrage of rich people being able to pay exorbitant sums and get children is the thing that raises serious public policy questions.

Our focus, and my interest, particularly, in S. 961 is it pays particular attention to those who have no families at all, who have no parents or contacts, and that, it seems to me, ought to become the same level of outrage that we have about the dollars exchanging hands in other settings.

Senator **Hayakawa**. The outrage is that the rich are able to get adoptive children, and the poor are not; is that it?

Mr. **Forsythe**. Yes.

Senator **Hayakawa**. I see. Thank you. Does anybody else want to comment? [No response.]

Senator **Hayakawa**. I am really puzzled at the blanket use of the term black market, for all adoptions outside of social agencies.

Mr. **Forsythe**. There is a distinction between black market and gray market and independent placements.

Senator **Hayakawa**. What is a gray market?

Mr. **Forsythe**. Gray market is usually where the money is considered, where the money is not quite as exorbitant, but it is still somewhat irregular. It is independent in the sense that it does not go through a licensed agency.

Senator **Hayakawa**. What do you mean somewhat irregular?

Mr. **Forsythe**. It does not go through a licensed agency. It is someone who——

Senator **Hayakawa**. In order for any adoption to be regular, does it have to go through a licensed agency?

Mr. **Forsythe**. That is usually the distinction that is made, and then if the State permits independent placements, they range all the way from an individual parent, finding a relative, or in the case of terminal illness—a case like that just came to my attention last week; a child had been living with a friend and had become integrated into that family. For the dying mother to help make that an adoption is an independent placement, and few would say that is inappropriate.

But if a doctor or a lawyer is charging $10,000 or $12,000 or $15,000 or $20,000 to contract with a pregnant girl and pay her off, turn the child over to an unknown couple, without social workers, without protection for all of the parties involved, without clarity in terms of the health issues and the capacity of this family to care for the child, most people consider that kind of independent placement inappropriate and outrageous.

There are not any clear kinds of lines drawn, and I think you have put your finger on that problem.

Senator **Hayakawa**. I see. Inappropriate and outrageous, but still not illegal in most States?

Mr. **Forsythe**. In most States not illegal; that is correct.

Senator **Hayakawa**. Thank you very much.

Senator **Cranston**. I would like to say in regard to this matter that there is another term used to describe what we are talking about, and that is baby selling.

We had hearings in 1975 on baby selling, on April 28 and 29, one day chaired by Senator Mondale, and one day chaired by me.

There is an apparent practice, and a rather well-organized business, where pregnant young girls go down to Florida, and there is an operation down there where the children are bought, and then they are marketed to Northern States, primarily.

We have a study provision on this matter in this bill, on page 14; section 6(a) states:

> The Secretary and the Attorney General of the United States shall jointly provide for a study, designed to determine the nature, scope and effects of the intrastate and, to the extent feasible, interstate placement of children in adoptive homes, not including step-parents or relatives of the child in question, by persons or agencies which are not licensed by or subject to regulation by any governmental entity.

And then it outlines what the study should cover, including subsection 6, the extent to which fees are charged for such adoption-related services, the amount of such fees, other matters as the effect on the children themselves, on siblings, and on the adoptive family, and so forth.

I would like to state that the reason we have study provisions, rather than a law with penalties proposed in this legislation is the following.

First, there is a serious lack of documented evidence on the nature and extent of the so-called black market and its effect on the children, and second, there is a concern of many adoptive parents, lawyers, and others involved in all this that any law would have the effect of ending independent and quite properly arrived at adoptions, as well as dubious black market operations.

So we are proceeding with caution, on a very, very serious matter.

Senator HAYAKAWA. Thank you. That helps.

Senator CRANSTON. Thank you.

I would like to now ask you some questions, Mr. Forsythe. Section 4(f)(1) of S. 961 is one of the most important provisions of the bill, I think.

As you know, it provides that if a child in foster care is receiving a particular social service or services—for instance, medicaid—that child can continue to receive the service after adoption, notwithstanding the income of the adoptive parents.

Do you think that that kind of legislation is necessary now and should not be deferred?

Mr. FORSYTHE. Absolutely, Senator. I think that is a very helpful overall perspective on the kind of disincentive that has existed to adoption. And many children, handicapped and others, who find themselves without families are denied them because at the moment, we do not have that kind of provision. I think it is an excellent step forward and should not wait at all.

Senator CRANSTON. Section 5(b)(3) of the bill authorizes demonstration efforts and preventive services to assist troubled families in their homes, in order to prevent the inappropriate placement of children in foster care.

Do you feel that the conducting of such demonstration programs is integral to the overall thrust of the bill?

Mr. FORSYTHE. I think it is, and I think it is the kind of thing that we have to keep in balance, unless we are willing to have adoption as an answer for all children, and it is not.

We should prevent the need for it whenever we can. The tragedy is that when we have failed to prevent, we also do not have a way out for children in the system.

Senator CRANSTON. Thank you.

Mr. Higley, how would the enactment of S. 961 affect public adoption services like the one that you are involved in?

**Mr. Higley.** Well, I think, Senator, that it would certainly stimulate us to attempt further preventive measures to work with the families of children privately that are coming into the foster care system.

Second, I can see that it would stimulate us to share and work with other agencies in other States, particularly, in the area of exchanging information and the availability of children who are in need of adoptive placement.

**Senator Cranston.** I would like to ask in regard to the next question that you be particularly brief, because it is a rather broad question, but respond further for the record, if you wish.

Can you tell us about some of the problems in placing children in adoption outside of your State? What happens when people want to go beyond the State to place children?

**Mr. Higley.** I guess I would have some difficulty in addressing that one specifically, and I would rather respond in writing, Senator.

**Senator Cranston.** All right, fine. Do you work with adoptive parents who have moved into Michigan from other States?

**Mr. Higley.** Yes, we do.

**Senator Cranston.** What kind of services do you provide in such instances?

**Mr. Higley.** Well, if the adoption is done according to Michigan law, then we would fully cooperate with a family in terms of effecting the adoptive placement of the child.

We even, for example, will provide adoption subsidy to a family who is adopting a child from Michigan, even though they may live out of State.

**Senator Cranston.** How many children in Michigan are waiting to be adopted?

**Mr. Higley.** Our State wards awaiting adoption number approximately 1,500. We know that there are many other youngsters in addition to that, who ought to be free for adoption, but who are not now available.

**Senator Cranston.** What are the principal problems in both of those types of cases that prevent action and placement?

**Mr. Higley.** The identification of children who need freedom for adoption is probably the most problematic. It is a question of first, moving the youngster through the legal system; it is the documenting of the evidence of neglect, for example; it is provision of adequate preventive services to the family of the youngster, in order to try and keep him out of the system in the first place.

**Senator Cranston.** Do you place any of these children in institutions outside of Michigan, and if so, how do caseworkers then maintain contact?

**Mr. Higley.** We rarely place children outside the State of Michigan. We try to develop our own types of resource needs in the State.

We do have some, Senator, where for example, the family may move out-of-State, and we will move the youngster in some proximity to the family.

Or, in some instances, we even have placement resources that are closer to the family, though they may be across the State lines, in a neighboring State, for example, Wisconsin.

**Senator Cranston.** What are the costs per child in Michigan of maintaining children in foster care?

Mr. HIGLEY. Well, that has a broad range to it, Senator. But the average cost of maintaining a youngster in foster family care is probably very close to $3,500 per year.

The average cost, however, of maintaining a youngster in institutional care is an average per-day cost of $40 a day.

Senator CRANSTON. What does Michigan spend on adoption subsidy?

Mr. HIGLEY. We are close to $1 million a year now on adoption subsidies.

Senator CRANSTON. What does that amount to per child?

Mr. HIGLEY. It approximates the cost of maintaining a youngster in foster care, or the maintenance costs of keeping a youngster in foster care.

Senator CRANSTON. Which would be the most helpful consequences of enacting this legislation, from the point of view of your Michigan experience?

Mr. HIGLEY. I think the continuation of Federal support services to a youngster in adoption and some support to the State for its adoption subsidy program.

Senator CRANSTON. Is Michigan a member of the Interstate Compact on the Placement of Children?

Mr. HIGLEY. It has legislation before the House and Senate at the present time.

Senator CRANSTON. Are you able to participate without that legislation, presently?

Mr. HIGLEY. Not totally, no.

Senator CRANSTON. So it does not have any impact presently on adoption practices in Michigan?

Mr. HIGLEY. No.

Senator CRANSTON. Thank you very much.

Finally, Mr. Ahmann, how many children does Catholic Charities place in adoption each year?

Mr. AHMANN. I do not have that figure today.

Senator CRANSTON. Could you give it to us for the record?

Mr. AHMANN. I am not sure we have it in our office, but if we do, we will give it to you.

Senator CRANSTON. How many special needs children do you have waiting to be adopted? Do you know that, if you could supply that for the record if you do not have the figures with you today.

Mr. AHMANN. I probably cannot give you a figure on that. I know our agencies report that in general.

Senator CRANSTON. If you could let us know, to the extent you can.

Mr. AHMANN. I will attempt to get that.

[The following information was received for the record:]

NATIONAL CONFERENCE
OF CATHOLIC CHARITIES
OFFICE OF THE EXECUTIVE DIRECTOR
1346 Connecticut Avenue, N.W., Suite 307 • Washington, D.C. 20036 • (202) 785-2757

EPISCOPAL LIAISON
The Most Reverend
Timothy J. Harrington, D.D.
PRESIDENT
Rashey B. Moten
FIRST VICE PRESIDENT
Sister Marie Gaffney, M.S.B.T.
SECRETARY
Mr. Edward L. Ackerman
TREASURER
Mr. Edward A. Gallagher
EXECUTIVE DIRECTOR
Rev. Msgr. Lawrence J. Corcoran

April 4, 1977

The Honorable Senator Alan Cranston
Chairman
Subcommittee on Child and Human Development
of the Committee on Human Resources
4230 Dirksen Senate Office Building
Washington, D.C. 20515

Dear Senator Cranston:

At today's hearing on the "Opportunities for Adoption Act" you asked me to forward data on the number of children placed by our agencies and the number of those who might be considered children with special needs.

Our latest agency survey indicates that in 1975 our affiliates placed 6,103 children in permanent homes. Of these about 26% might be considered children with special needs, broadly construed. The number of children placed by our agences in 1975 was an increase of several hundred over 1974.

Again, let me congratulate you for your determination to secure the passage of S. 961 and for the leadership of your Subcommittee in calling the attention of the Senate to the serious gap in programs to meet the needs of the young of our nation. The Department's plea for a delay in passage of such a bill is incomprehensible to us. We hope that the children with special needs will not have to wait another four years before some Federal leadership is available to see that they are afforded adoptive placement in permanent, loving homes.

Sincerely,

Mathew Ahmann
Associate Director

Senator **CRANSTON**. What problems do you face most that prevent you from finding placement for children?

Mr. **AHMANN**. I think the increasingly high cost of freeing children from whatever legal barriers there might be to placement, and then, being able to adequately see that the child's special health needs, or whatever it might be, are taken care in the adoptive family setting when their income might not be adequate to enable them to do that.

Senator **CRANSTON**. Would this bill help in regard to these problems?

Mr. **AHMANN**. I think this bill would be a significant help, yes, in inducing the States to have better programs.

Senator **CRANSTON**. Can you tell us briefly, and then expand in writing later, if you wish, about some of the problems that have come to your attention that have been caused or aggravated by the barriers to interstate placement?

Mr. **AHMANN**. Our experience, with the exception. I think, of one agency—and I do not even know how valid that is—is a good experience with the interstate compact, and no major agency problems in interstate placements.

Senator **CRANSTON**. Do you have any evidence of the extent to which the varying State laws and adoption policies that presently exist contribute to the problem of baby selling or black market adoption?

Mr. **AHMANN**. No, I do not. I think Betsy Cole could answer that more adequately than I could.

Senator **CRANSTON**. Fine. Would you care to say anything more on that, Mrs. Cole?

Mrs. **COLE**. No, I do not at this time, Senator.

Senator **CRANSTON**. That is all the questions that I have.

I thank you very much for your very constructive help and for your support of our mutual effort. We look forward to continuing working with you.

Thank you.

We now come to the final panel, a panel of adoptive parents, Laurie and H. Joseph Flynn, Lancaster, Pa; Ruthann and Henry Haussling, of Great Falls, Va; and Meg and Allen Tucker of Arlington, Va.

And, Don Riegle, I welcome you.

Senator **RIEGLE**. Thank you.

Senator **CRANSTON**. Thank you very much for being with us this morning. We appreciate it very much. If you would proceed in whatever way you wish, please, being somewhat brief, so that I can ask you some questions. And if you want to volunteer anything in addition to what you intended to say, to comment on what you have heard this morning, particularly from the administration, that would be helpful.

Please identify yourselves by name, as you testify.

## STATEMENT OF H. JOSEPH AND LAURIE M. FLYNN, ADOPTIVE PARENTS

Mrs. **FLYNN**. Mr. Chairman, thank you for extending the opportunity to testify in support of the Opportunities for Adoption Act of 1977.

We are H. Joseph Flynn, an attorney, and myself, Laurie Flynn, president of the Pennsylvania Coalition for Children. We believe, as you do, that it is the right of every child to have a permanent and loving home.

Together, we are the founders of the Pennsylvania Coalition for Children and the Lancaster Chapter of Parents of Adopted Children Organization. We are the parents of 10 children, 5 adopted and 5 biological. Our family represents a varied racial and cultural mixture, and all five of our adopted children are identified as special needs children.

Our interest in adoption and child advocacy has grown along with our family. We first adopted nearly 7 years ago, through a public agency in Pennsylvania. Our next four adoptions were accomplished through Tressler-Lutheran Service Associates, who specialize in finding homes for hard-to-place children.

We have gradually become more involved in the definition and some solutions to the problems of children who need homes. The Pennsylvania Coalition for Children has sponsored a number of public information meetings, and we have found that in communities both large and small in Pennsylvania, there is a great deal of interest in adoption and a great deal of concern about these children.

We feel that our experience in some of these communities probably is typical, in that communities in which adoption is not a priority are often served by agencies with traditional policies about adoption. These agencies tend to accept long-term or multiple foster placements as normal, and they do not emphasize the recruitment of adoptive homes for hard-to-place children. Consequently, far too many children are growing up in foster care.

Our own observations and the comments made to us by many others in the State indicate that the findings of S. 961 are entirely accurate. Adoption is in many cases the best alternative for assuring the healthy development of children with special needs. Yet, too often these children are denied a permanent home.

We feel strongly that there are many people willing to adopt such children, but they are discouraged or prevented from doing so by lack of money, lack of information about the children, or lack of a responsive agency.

The Opportunities for Adoption Act offers creative solutions to all three of these problems.

The provisions for subsidies have been explored thoroughly this morning, and we feel that subsidies will definitely enable adoption to be facilitated for children with special needs. We also believe, however, that subsidies alone, while certainly necessary, would not be enough to insure permanance for the many children who are waiting.

We strongly support the creation of a National Office of Adoption Information and Services. This would be a clear sign that permanence for children is a national priority. The potential is there to bring about dramatic changes in adoption and provide leadership to the States.

There is no question about the need for accurate information, data gathering and analysis and tracking of children who wait. I think it is quite clear that the earlier witnesses, the administration witnesses, really do not have the information that is necessary to give us an accurate picture of the real scope of the problem.

We are particularly enthused about the idea of a national adoption resource exchange, as we learned of the availability of three of our own children through such resource exchanges. We know for a fact that in the case of many special needs children, a picture is worth a thousand words.

As adoptive parents, we strongly endorse the section that establishes a continuous educational program on adoption. We find this to be a tremendous need in Pennsylvania, and I think throughout the country.

Many people just do not know about the children who need homes; they are not visible, people do not know they are available.

Where there have been efforts made to reach people with this information, we find that they are responding to the message that children are there for those who care about them, and that adoption is a possibility for many.

An educational program alone, however, is not enough. The greatest single obstacle to the adoption of special needs children in Pennsylvania and many other States has been the unwillingness or inability of traditional agencies to provide the needed services to families and children.

So we are particularly pleased to see that this bill would provide funds for the training and support of staff, as well as a range of postadoption services.

We think this provision could be instrumental in awakening agencies and workers to the reality that children with special needs can be placed successfully in permanent homes.

There is a brilliant opportunity for innovation in the section which provides grants for public and nonprofit agencies and organizations who have demonstrated special capabilities.

Organizations such as Tressler-Lutheran Service Associations and Spaulding for Children, among others, have proven that a great deal can be done to create possibilities for adoption where less imaginative agencies would not have guessed they existed.

Finally, we are very pleased to see adoptive parents and parent groups included in today's hearings, as well as being included in the Committee on Uniform Adoption Regulations.

We feel strongly that the consumer viewpoint has been long needed. The work of the committee must be to draft standards which provide for more creative and comprehensive services to families and children.

A real measure of advocacy for these children needs to be incorporated in the resulting regulations. We are certain that with parents and parent groups involvement, we will not merely establish a uniform standard of mediocrity.

We would like to point out to you this morning that adoptive parents and parent groups are a vital resource for waiting children.

We need to be involved in this effort, and we can help in many ways. We educate the public about the children, recruit homes, provide consumer input, support families in the process of adoption, and advocate as citizens and consumers for needed changes in the child welfare system. Our commitment and enthusiasm are contagious. We are living proof that adoption builds families.

We are happy to be here this morning, Senator, to support fully the passage of S. 961, and we would like to offer our assistance in any way we can.

Each waiting child's future is limited only by our vision of him.

We feel strongly that if the future of our children is a national priority, we owe them nothing less than the opportunities which this act could bring about. The children have waited too long already, we cannot tolerate further delay.

Thank you.

Senator CRANSTON. Thank you very, very much.

Mr. FLYNN. Mr. Chairman, I would like to add to our prepared remarks and comment on the testimony which was offered earlier today.

I am H. Joseph Flynn, an attorney, practicing in Lancaster, Pa.

I would like to address my comments particularly to something that was stated by Arabella Martinez, the Secretary for Human Development of the Department of Health, Education, and Welfare.

In her testimony, she mentions that title XX funds, Federal money, include $27 million this year for adoption services.

I would like to point out to the committee that in the State of Pennsylvania, there is no title XX money being spent for adoption services.

It was also implied that there is a great deal of State money available for adoption. In fact, Pennsylvania has an adoption subsidy law, but it is tied to the income of the family, and is not widely publicized. So that the combination of those two factors means that the adoption subsidy law in Pennsylvania is a great deal less effective than it might be.

Thank you.

Senator CRANSTON. Thank you very much.

[The prepared statement of Joseph and Laurie Flynn follows:]

HEARINGS

BEFORE THE

SENATE COMMITTEE ON HUMAN RESOURCES

SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT

APRIL 4, 1977

## TESTIMONY OF

## H. JOSEPH AND LAURIE M. FLYNN

Mr. Chairman:

Thank you for extending the opportunity to testify in support of the Opportunities for Adoption Act of 1977 (S.961). We believe that every child has the right to a permanent and loving home. We are H. Joseph Flynn, an attorney, and Laurie M. Flynn, President of the Pennsylvania Coalition for Children. Together we are founders of the Pennsylvania Coalition and the Lancaster chapter of Parents of Adoption Children Organisation (P.A.C.O.). We are parents of 10 children, 5 adopted and 5 biological. Our family represents a varied racial and cultural mixture.

Our interest in adoption and child advocacy has grown along with our family. We first adopted nearly 7 years ago through a public agency in Pennsylvania. Our next 4 adoptions were accomplished through Tressler-Lutheran Service Associates, who specialize in finding homes for so-called "hard-to-place" children. As a result of encouragement from Tressler, we attended meetings of P.A.C.O. in York, then started a chapter in Lancaster. In May, 1976, Laurie testified at the statewide Survey of Adoption Needs. From this followed an association with representatives of the North American Council on

Adoptable Children (NACAC), which, in turn, generated a grant of seed-money for the founding of the Pennsylvania Coalition.

On March 10, 1977, the Coalition sponsored an adoption information forum in Reading, a community of 60,000 in eastern Pennsylvania. The nearly 100 people who attended exhibited a very lively interest in adopting children, including children with special needs. On March 26 and 27 Laurie represented the Coalition at meetings of newly formed adoptive parent groups in the Pittsburgh area and found the same interest there. Pittsburgh and Reading are probably representative of the majority of communities in this country, both large and small, in that they are served by agencies with traditional policies about adoption. These agencies tend to accept long-term or multiple foster placements as normal and they do not emphasize the recruitment of adoptive homes for the "hard-to-place" children, the children with special needs.

Our own observations and the comments made to us by countless others confirm the findings of the Pennsylvania Survey of Adoption Needs and the findings and underlying assumptions of Senate Bill 961. Adoption is, in many, many cases, the best alternative for assuring the healthy development of children with special needs. There are many people willing to adopt such children who are discouraged or prevented from doing so by lack of money, lack of information, or lack of a responsive agency.

The Opportunities for Adoption Act offers creative solutions to all three of these problems. The provisions in Section 4 (a) (3) (Page 6, line 19) for subsidies to families adopting children with special needs will enable hundreds of these youngsters to grow in the security of permanent, loving homes. Such grants, and the wide range of services included in Section 4 (e) (3) (Page 10, line 4) will facilitate the adoption of children with identified or potential medical problems or with the emotional problems often associated with multiple placements or institutionalization. In our own family, we have relied heavily on post-adoption services to help us deal with the emotional problems of the two children whom we adopted as teenagers after years in foster care.

The authors of this bill have seen correctly that, by itself, provision of subsidies would not be enough to ensure permanent homes for children. The creation of a National Office of Adoption Information and Services will be a clear sign that permanence for children is a national priority. This office can bring about dramatic changes in adoption. National data gathering tracking and analysis (Section 5 (b) (1) (Page 12, line 6) ) will give us the first accurate picture of the real scope of the problem. Once children with special needs are identified, we can begin to match them with families who can meet their needs. We ourselves learned of the availabity of three of our children through adoption resource exchanges. While in the Pittsburgh area, Laurie was the guest of a family who introduced her to their new son, a child she recognized from a photo-listing service. Particularly in the case of children with special needs, a picture is worth a thousand words. We feel that a national adoption information exchange system (Section 5 (b) (6) (Page 13, line 24)) offers exciting possibilities for waiting children.

As adoptive parents and child advocates, we are particularly enthused about Section 5 (b) (2) (Page 12, line 8) which establishes a continous educational program on adoption. Throughout Pennsylvania and the United States people are responding to the message that children are there for those who care. However an educational program alone is not enough. The greatest single obstacle to the adoption of special needs children in many states, including Pennsylvania, is the unwillingness or inability of traditional agencies to provide needed services to families and children. The application of funds to the training and support of staff, provided by Section 4 (a) (1)

(Page 6, line 1) could be instrumental in awakening agencies and workers to the reality that children with special needs can be placed in permanent homes. A truly brilliant opportunity for innovation is presented by Section 5 (b) (2) (Page 12, line 9) which provides grants to public and non-profit private agencies and organizations. A few agencies such as Spaulding for Children and Tressler-Lutheran Service Associates and a number of adoptive parent organizations have demonstrated a capability of creating possibilities for adoptions where the less imaginative would not have guessed they existed.

It is also fitting that parents and parent groups are specifically mentioned in the composition of the Committee on Uniform Adoption Regulations Section 3 (a) (Page 3, line 12). A consumer viewpoint has long been needed. The work of the Committee must be to draft standards that provide for creative and more comprehensive services to families and children. A real measure of advocacy should be incorporated in the committee and the resulting regulations. We cannot be content merely to establish a uniform standard of mediocrity.

Adoptive parents and parent groups are a vital resource for waiting children. We educate the public, recruit new homes, provide consumer input to decision makers, support families in the process of adoption and after placement, and advocate needed changes in the child welfare system. Our enthusiasm and committment are contagious. Our families are living proof that adoption can be a beautiful and enriching experience that is a possibility for everyone.

We support the passage of the Adoption Opportunities Act of 1977. Each waiting child's future is limited only by our vision of him. If the future of our children is truly a national priority, we owe them nothing less than the opportunities which this Act could bring about.

Senator CRANSTON. Mr. and Mrs. Haussling, you may proceed.

## STATEMENT OF RUTHANN AND HENRY HAUSSLING, ADOPTIVE PARENTS

Mrs. HAUSSLING. Thank you, Senator.

We are Ruthann and Henry Haussling. We are the adoptive and foster parents of four children, three of whom have special needs.

Their special needs include neurological impairment and deafness, requiring special education; epilepsy and sickle cell anemia, requiring ongoing medical care, and emotional and psychological disturbances, requiring ongoing psychiatric care.

The cost of treating these conditions would severely deplete our annual income and we would be unable to manage these conditions financially without sufficient adoption subsidies.

We are currently negotiating subsidy agreements for our two foster children and we have found several inadequacies in current rules and procedures governing subsidy.

Our oldest child, Earl, now 6½ years old, has been in our home as a foster child since he was 11½ months of age. When he was brought to our home, his condition was grave.

He had never sat upright, did not appear to see or hear, could not eat, and was extremely self-destructive. His only sounds were moans and howls, and he would not allow himself to be touched. He was thought to be severely retarded, and his agency was placing him with us on a trial basis. If he were to show no improvement after a period of time, they would make arrangements to institutionalize him.

We had fallen in love with this handsome, brooding child from the moment he entered our lives, and we vowed that we would never allow him to be moved from our home to an institution.

That was to be the beginning of 5 long years of frustration, anger, and fear, as we fought for this child's right to develop his potential and to keep him with us.

Several times during this period, the agency moved to institutionalize Earl, against all recommendations of the psychologists and educators involved in his treatment. Through our perseverence, appropriate programs were found to aid Earl's development, and he improved steadily.

We knew from the beginning that we wanted to adopt Earl, and we were very excited when we were informed that the D.C. subsidy bill had been signed by President Nixon.

Nearly 2 years elapsed between the signing of the bill and the publication of the rules and procedures for implementation by the D.C. Department of Human Resources.

We notified DHR immediately of our wish to adopt Earl with an appropriate subsidy to cover his continuing needs. Nearly 2 years have elapsed since our application was submitted, and we have yet to be presented with an equitable agreement for our signature.

We should like to stress at this time the extreme importance of mandatory notification to all foster parents of the availability of subsidy for the adoption of their foster children, if they wish to do so, as provided by section 4(b)(4), lines 14 through 25.

A child who has been in foster care for a period of 6 months and who has been legally free for adoption during that time, without an appropriate family having been found, should be considered eligible for subsidy, and the foster parents to whom the children has formed an emotional attachment should be given the first opportunity to adopt the child.

We would like to see this added to section 4(4)(e)(1), as another definition of a child with special needs.

Because of the difficulties we are encountering in obtaining an adequate agreement, we feel it is imperative that prospective adoptive parents be assured of their right to negotiate with the child's agency to obtain an equitable subsidy agreement and also, that they be assured of their right to appeal an inequitable decision. We would like to see such a provision added to section 4(b)(3).

For the past 3 years, Earl has been in a special education program of the public education system of Fairfax County, Va., the county of our residence. There is no provision for subsidy payments for special educational needs.

We appreciate the argument that education should be the responsibility of the jurisdiction in which the child resides, but there may be instances of preexisting conditions becoming exacerbated to such an extent that the public school system may be unable to adequately provide for the child's needs.

Sending a child to a private educational facility can cost approximately $7,500 per year at present estimate. Such an expenditure on the needs of one child would financially cripple a middle-income family such as ours, and would make it impossible for us to adequately provide for our other children.

State aid for educational needs are usually based on annual income scales, which often eliminate a middle-income family from eligibility.

We believe that an equitable adoption subsidy should provide for any difference between State aid and actual cost of educational needs. We hope that we are interpreting section 4(e)(3) correctly, as addressing itself to this need.

Three years ago, we adopted Damien, a child with sickle cell anemia, from a Virginia agency. At the time the State of Virginia had a very limited subsidy program which was based solely on the annual income of the adoptive parents.

Under such circumstances, we did not qualify and we adopted our child without benefit of subsidy. At this time, we are covered by a comprehensive health plan which covers all family members, regardless of any preexisting conditions.

However, if at any time in the future our coverage is terminated, through change in employment, et cetera, it would be extremely difficult to find adequate medical insurance coverage for this child.

The cost of past hospitalization for sickle cell crisis was nearly $3,000. Sickle cell anemia is a disease subject to remissions and exacerbations, and has high potential for expensive ongoing medical management, which could financially devastate an uninsured family.

We firmly believe that all adoption subsidies should be based on the needs of the child, rather than the income of the adoptive parents, and we would like to see such a provision included in section 4(a)(3).

Currently, we are in the process of negotiating subsidy for our youngest child, Andrew. Andrew was born 3 months prematurely, and is deaf, neurologically impaired and suffers from seizures as a result.

He will need special education at a school geared to teaching the hearing impaired, and will also need ongoing medical treatment for seizures. As with Damien, Andrew will be covered under our family health plan. However, if we were to lose our insurance, Andy's medical care would be taken over by DHR.

It is the policy of that agency that their own facilities must be used for a child's care when the child resides within a 50-mile radius of the city. Their facility, D.C. General Hospital, currently lacks accreditation and would be considered by us an unacceptable facility for the treatment of our child.

We believe provisions should be made for vendor payments to appropriate facilities, both within and beyond jurisdictional boundaries when such action is warranted by the circumstances of the child's needs.

We hope we are correct in assuming that section 4(a)(1), lines 9 and 10 addresses itself to this need.

Last, we wish to address the issue of extending benefits beyond the child's 18th birthday. Under current regulations, all subsidy benefits are terminated at that time.

We appreciate the argument that SSI should be able to provide adequately past that point. However, according to SSI provisions, eligibility for an individual over the age of 18, but under the age of 21, who is living at home and attending an educational facility, shall be determined by the income scale of the parent. There would be, therefore, a period of 3 years during which no benefits would be available.

This crisis would come at the very time in the lives of the adoptive parents when their income may be decreasing, and/or they may be providing for the college educations of other children in the family.

We wish to emphasize that the problems of many special needs children are not going to be resolved by the age of 18. Many of these children are never going to be capable of completely self-support, and their needs may remain the same throughout their lifetime.

We wish to express our appreciation for the opportunity to speak on behalf of children with special needs. A comprehensive adoption subsidy program will make a permanent loving home a reality for so many of these children, who might otherwise languish in foster care or institutions for a lifetime.

Thank you very much.

Senator CRANSTON. Thank you very much.

We have heard from three of you now, and I would like to say, before we move on to hearing from the other three of you, that I am just overwhelmed by what you have done, and by what other people like you have done across this country. You are really absolute saints, in undertaking the emotional problems, the financial problems, the uncertainties, the battles with the bureaucracy, the unconcern of so many.

Your compassion for these infants and children and your willingness to undertake so many burdens that can be such a trial to you is just beyond imagination, and I want to thank you from the bottom of my heart for what it means to those you are helping.

Senator RIEGLE. Would you yield on that point?

Senator CRANSTON. Yes.

Senator **Riegle.** I would like to join in Senator Cranston's expression of our admiration.

You have three children that you have adopted? You mention three in your statement—or are there four?

Mrs. **Haussling.** We are currently in the process of finalizing two of them, but yes, we have four children.

Senator **Riegle.** I see. Are there many people other than yourself and the witnesses who are here today who are likewise endeavoring to reach out for youngsters with particular problems? Are you aware of a great number of people who are doing what you are doing?

Mrs. **Haussling.** Yes. I am president of the Council on Adoptive Children for the Metropolitan Washington Area, and we handle an answering service that takes about 2,000 calls a year from people who would like to adopt. And many of these people would be interested in a child with special needs, if they felt that they could get the adequate support necessary to manage a child like that in their family.

Senator **Riegle.** And how many children would there be available for adoption, who need that special help, here in the metropolitan area, as far as you know?

Mrs. **Haussling.** We do not have figures for the District of Columbia, we are sorry to say. But throughout the country, there are about 120,000 such children who are waiting for homes at this time.

Senator **Riegle.** So if you were to just make an estimated guess as to how many people in the metropolitan area would be prepared to undertake this responsibility if the things you recommend were done, what would be your guess?

Are we talking about maybe 1,000 families who are prepared to make that commitment?

Mrs. **Haussling.** That is a difficult thing to really put into a solid figure, because sometimes there is a difference between what people say they will be able to manage, and then, when it comes right down to it, what they actually do go through with.

But I would certainly say that there is sufficient number of families who would be able to take in a special needs child, if they were to have the——

Senator **Riegle.** Who want to do it, and who are realistic about the responsibilities, and who are ready to step up to it if some of these extraordinary needs are at least addressed by a program of this sort?

Mrs. **Haussling.** Oh, yes. And we also hope to implement training programs for parents who would be taking special needs children, so that they would be able to be familiar with the conditions and the treatments and the day by day coping mechanisms that are needed.

Senator **Riegle.** Well, as Senator Cranston said, I am just deeply touched by the fact that you took these commitments on, in the face of so little help from the outside at this point. I appreciate that very much.

Senator **Cranston.** I would like to add that my profound and total admiration for what you have done is totally matched by my deep outrage over the fact that there are so many barriers to others accomplishing what you have accomplished, despite the barriers. And so I have a great conflict of emotions with this issue at this point.

Mr. and Mrs. Tucker you may proceed.

## STATEMENT OF ALLEN AND MEG TUCKER, ADOPTIVE PARENTS

Mrs. TUCKER. Thank you, Senator.

Our names are Allen and Meg Tucker, and 5 years ago, we adopted a 3-year-old little girl named Jenny. Jenny, by the time she was 3, had been placed in eight different foster homes. Her hands were deformed; she had been declared legally blind, and her primary diagnosis was mental retardation.

Furthermore, there was evidence of emotional instability, due to her frequent moves.

Two years ago, my husband and I adopted our second child, Brian. Brian, a beautiful child with blond hair and blue eyes, had been brain-damaged at birth. He experienced difficulty in walking, he did not talk, he had a very difficult time walking, simply because of the spasticity that he had in both his right hand and his right leg. We were told that Brian would probably never walk or talk correctly, and that perhaps he would need special schooling.

We would like to state how profoundly we feel funding for agencies are needed, specifically in placement services and counseling.

Section 4, lines 9 and 10, on page 6, is particularly appropriate to our experience in adopting Jenny. It states that funds will be used for meeting part or all of the cost of some or all of the placement services, regardless of the location of the agency serving the adoptive parents.

Jenny was a ward of New York State at the time she was placed in our home in Virginia. At that point, Jenny needed a considerable amount of medical attention.

During that first 6 months of placement, my husband and I traveled over 400 miles at our own expense, to travel back to the adoption agency for postplacement counseling.

Needless to say, at this time, medical expenses were consuming most of our financial resources. Additional costs traveling back and forth to New York seemed to us an unreasonable demand.

As a result, the postplacement service—which might have proven very helpful—became nothing more than a burden. It was resented by both of us, for we felt our time and our money could be more wisely and efficiently used in helping Jenny.

Because of this experience, we strongly support any funding to aid the agencies in postplacement counseling services.

In every adoption transaction, there are two clients. There is the adoptive parents, and then the child. Traditionally, the prospective adoptive parent has always been the one who has been considered first. Their needs were considered first. The infant was found and matched to the needs of the parents. The infant's needs were almost always considered secondary.

The concept of subsidized adoption reflects a new consciousness. It reflects the community's recognition that it is their responsibility to find a home for every child who needs one.

Too, this concept implies a shift in procedures for many adoption agencies. No longer can the child be matched to the couple. The couple has to be matched to the needs of the child.

There are parents who, except for the fear of the high expenses, would welcome the opportunity to adopt physically, emotionally, or mentally impaired children.

Section 4, lines 5 through 19, on page 7 encourage a procedural change which we feel is an important step in the solution to this problem.

This section recommends that subsidies be made available for the adopted child in the amount that is similar to the amount paid by the State for the same appropriate services.

We interpret this to mean that the amount of subsidy be determined strictly by the needs of the child, rather than the income level of the adoptive parent.

If, on the other had, the subsidy is based on the income level of the adoptive parents, the younger, not so financially well-established couple would have to be given more money in subsidy.

This would mean that money would be saved by placing special needs children with only wealthy couples. Thus, the many not so financially well-established couples yet otherwise suitable applicants would be lost.

If the child is indeed to be the primary client, then the amount of subsidy, as well as the length of time it will continue, must be based on the child's needs. No income scale can be used. The subsidy, as well as the parents, then, have to be matched to the needs of the child.

If the subsidy level is to be established according to the child's special needs, then adequate information about those needs must be available. This is a crucial responsibility, in every adoption agency administering subsidies.

First, the agency must put the prospective adoptive parents in contact with those professionals who can evaluate the child's handicaps, as well as discuss the long-range implications of them.

Second, the diagnosis and prognosis of those professionals must be used in establishing the subsidy allotment. In our personal experience, such information was not made available to us.

To illustrate, let us recount an experience we had in adopting our second child, Brian. Brian was 2 years old, very overweight, unresponsive, did not talk, and walked only with a considerable amount of help. He had only sat upright a few months before we saw him.

His medical record told us that he had had a traumatic birth which had resulted in prolonged seizure attacks. Because of the medical bills we accrued with Jenny, and because they were so heavy that it forced us to honestly consider returning Jenny, and because the emotional stress and anxiety in that situation had been so severe, we tried very hard to learn as much as we could about Brian's special needs before adopting him. It made no sense to either Allen or myself to take on a child whom we financially simply could not afford to help.

Our efforts in obtaining such information were futile. Not only was no one willing to talk with us openly about Brian's future problems, but no one was willing to estimate the particular financial burden he might pose.

We realize, of course, that every adoptive parent who takes a special needs child understands the difficulty in predicting accurately the problems that child might have. And they are willing to take the risk.

We were willing to take the risk, too. However, there are certain professional opinions, which, based on other experiences with similar children as Brian, could have given us at least a general notion of what we could have expected. By establishing a subsidy level dependent on the child's needs rather than the parents' income, three things would be done.

First, the professionals would have to be listened to. Second, general expectations of the child would have to be given. And third, the prospective adoptive parents would have some idea of their future financial responsibilities.

In our case, we brought Brain home without any subsidy, without any insurance, and with a genuine fear that his expenses might easily overwhelm us.

Another section of the bill with which we have had direct experience is section 4, lines 8 to 13, on page 8. Not only do we support this section, but we would like to see it strengthened.

Most adoptive parents going through the adoption process for the first time experience varying degrees of stress and anxiety.

All of them are keenly aware that they are being judged. In that atmosphere, applicants often forego asking questions, probing questions, for fear that the persistence may damage their chances for approval.

When we adopted Jenny, her home State had a form of subsidized adoptions. Both my husband and I were told that because we planned to take Jenny out of State, we were, quote, "unfortunately ineligible" for such a subsidy. Neither Allen nor I had a clear idea of what that subsidy entailed, and we accepted the agency's statement without any question.

Moreover, we felt challenging such a statement might damage our chances for adopting Jenny. We were not even sure of ourselves or the process, to press the point.

First-time applicants of special needs children, more than parents who have already been involved in the system, need to realize that they can negotiate a subsidy, that not only is it negotiable, it is discussible, and in no way is it going to damage their eligibility as adoptive parents.

In other words, the couple must realize that to negotiate a subsidy is their right.

In 1974, we applied for a second child. The agency called to inform us of an available sibling pair. The younger, an infant of 9 months, was healthy. His brother, 3 years old, had multiple anomalies, including eye problems, missing fingers, and he had a cleft palate and hairlip.

We visited the sibling pair and we wanted to adopt them very, very much. We were very interested in them. When we began to discuss how we were going to help the 3-year-old with his medical problems, the redtape began.

Insurmountable problems arose when we began to consider where we would get the help. The child was enrolled in Crippled Children's Bureau, as was Jenny, our daughter.

Jenny was having a series of hand operations at that time. Crippled Children's Bureau was helping us financially, and they required that Jenny's orthopedic surgery be done at a hospital in Arlington.

However, Crippled Children's Bureau cleft palate center is in Richmond. Our predicament was that simply, simultaneously, we would be taking Jenny, for hand surgery, to a hospital in Arlington; we would be taking our 3-year-old son, for cleft palate surgery, to a hospital in Richmond, while trying to manage a baby at home.

Even if I went to Richmond, with the baby, there was no place for me to stay without hiring a hotel room—another expense that we did not think we could afford.

In lieu of taking the 3-year-old child to Richmond, we asked if it would be possible if they would give us the money, and we could find a hospital in Arlington or around northern Virginia, which had a good cleft palate center.

We indicated that both Children's Hospital and Georgetown Center had excellent facilities. This would have made it possible for us to adopt these handicapped children.

Our suggestion was flatly refused. Not only was it refused, but the idea of using Virginia's funds to pay for medical services rendered at a hospital out of State was simply unheard of. No interstate reciprocity was tolerated.

Crippled Children's Bureau could not legally make such a substitution, even though they would eventually pay for the same operation at the same expense, only at a different location.

As a result, we could find no plausible way to adopt them. The sibling pair had been receiving financial help. Section 4, lines 16 through 22, on page 10, corrects the problem that we encountered.

If, in addition to medicaid, the subsidy can be given, and if the State allows the adoptive parent some latitude in where the medical help can be received, we could have adopted that sibling pair.

In light of this, Allen and I applaud this particular section of the bill. We enthusiastically support this bill, specifically those provisions as they apply in these four areas: The geographical distance of the agency from the applicant should not encumber the adoption process; the amount of subsidy should be strictly determined by the child's needs, not the parents' income level; the adoptive applicant does have the right to discuss and negotiate the subsidy payments without damaging their eligibility—the child is the one that is important; medical services for which a child qualifies should be transferrable to any geographical location, according to the convenience of the applicant, without regard to the State or the jurisdictional boundaries.

Senator CRANSTON. Before we get too far away from it, I would like to ask you what happened to those children you were talking about.

Mrs. TUCKER. All we can tell you, Senator Cranston, is we went down past that adoption agency, and stopped in to say "Hi" to them and to show them Brian, whom they had not seen for 1 year, and those children were still not adopted after 1 year.

Senator CRANSTON. Where are they now?

Mrs. TUCKER. I cannot tell you that.

Senator CRANSTON. They are still in some institution?

Mrs. TUCKER. We imagine they are still in a foster home, yes.

Senator CRANSTON. Thank you.

Mrs. TUCKER. Thank you very much. We appreciate the time that you have given this panel.

**Senator Cranston.** Thank you very much for a very eloquent and meaningful testimony.

Does that complete the statements you are going to make at the outset?

**Mrs. Tucker.** Yes.

**Senator Cranston.** Don, we will operate loosely on a 10-minute rule. I will ask a few questions first and then yield to you.

**Senator Riegle.** Fine.

**Senator Cranston.** First, I would like to ask any or all of you to comment as you see fit, beyond what you have already said, on how you feel about the administration's proposal that we now wait until the 1980 fiscal year or something like that, before we take any action?

**Mrs. Haussling.** It is impossible for the children who are waiting.

**Mrs. Tucker.** It is just 2 more years that they have to wait.

**Senator Cranston.** Do you think that S. 961 should preclude Federal support for adoption subsidy arrangements where a means test is used, as suggested by Mr. Higley on the previous panel; or, should we leave that to the HEW Committee on Uniform Adoption Regulations, which S. 961 would establish, and let that group decide this question?

Do you have any feelings about that—or, how do you feel generally about Federal support for adoption subsidy agreements, in terms of a means test?

**Mr. Flynn.** Mr. Chairman, I would say that I certainly feel that a subsidy program tied to a means test is better than no subsidy program at all. I would support the bill whether or not it included a means test or a subsidy program that was not tied to a means test.

**Senator Cranston.** You generally feel, I gather, that what we must seek to accomplish is to take into account the needs of the child, and just make sure they are met, in whatever way is appropriate?

**Mr. Flynn.** Absolutely.

**Mrs. Haussling.** Realistically, Senator, middle-income families would probably be more apt to be adopting a child that had a lot of special needs, and it is the middle-income families that are grossly discriminated against in means tests.

You do not qualify on the basis of your income, but yet, if you were to adopt a child without subsidy, the whole family would suffer as a result.

**Senator Cranston.** I would like to ask you, Laurie and Joe Flynn, if you could tell us a little bit about your own family, the characteristics of the children that you have in your family.

**Mrs. Flynn.** Well, we have 10 children. Five of our children are adopted, and five of our children are biological or "home-made."

We started off with——

**Senator Cranston.** You have 10 children altogether?

**Mrs. Flynn.** Yes, 10 children altogether. We have two children who are of a mixed race heritage, and were adopted as infants. One of them has developmental problems; his natural parents were both inmates of a State mental institution for the mentally retarded, so he was adopted with that questionable future.

At the present time, he is enrolled in special classes for speech development. We also have an 8-year-old Vietnamese-black child whom we adopted rather unexpectedly, during the "Baby Lift," who has no particular special needs, other than that he is of mixed race.

And we have two teenagers, who have really awakened us to the problems of long-term foster care. These two youngsters are now 15 and 17. They were adopted by us when they were 12 and 14. They spent a total of 6 years in foster care, not together, in a variety of homes. One experienced some real difficulties, personal difficulties, in care.

Both of them have been undergoing considerable amounts of family therapy and individual therapy, to help them with the problems that they have as a result of the foster placements. Postadoption services have been crucial in making these placements workable.

We have no subsidy at this time for any of our youngsters. I think that describes them to you.

Senator CRANSTON. That is a very dramatic description of your family situation.

Have your efforts to establish an adoptive parents group in Pennsylvania been assisted or greeted with any enthusiasm by local officials?

Mrs. FLYNN. We have been overwhelmed by the support that there is for adoptive parent groups among people who are interested in children.

You had asked at one point, were there people who would like to take these children. There a lots of people. In part of my work with the coalition in Pennsylvania, from time to time I speak to groups around the State, and it is amazing how many people, knowing that these are children that present many difficulties, are interested and caring and would like to help them.

So I think, really, the resources are there, as regards possible adoptive families. It is just that they need to be used, and they need to have a way to reach these children.

Senator CRANSTON. You have support from those who would like to adopt children. What kind of support or reaction have you gotten from the traditional social service, social welfare agencies?

Mrs. FLYNN. Well, less than enthusiastic response has greeted our efforts from those quarters.

Senator CRANSTON. Why?

Mrs. FLYNN. Partially, they really are not understanding of the needs of these children. I think they have tended to accept them as unadoptable. It is not so much that they would not like to see them in permanent placement, as it is that they just are not aware that this can be done.

This is where the training facilities, the funds for training and staff support that your legislation provides would really make a difference.

When agencies have been able to use innovative methods, they have tremendous results.

Senator CRANSTON. Joe?

Mr. FLYNN. Senator, to give you a specific example, about 2 months ago we visited the local children's bureau in our county, just to introduce ourselves, and to find out what we could about the adoption policies of that agency.

I think we were viewed as somewhat threatening. For example, it came out in our conversation that that agency does not consider a foster care placement of 2 years or more to be unusual. They do not even think about making a child available for adoption until that point.

This was abhorrent to us. We did not make that point in our conversation, because we were not trying to be antagonistic.

But I think it is typical of the kind of conflict that the agencies perceive in the fact that an adoptive parents' group is established.

Senator CRANSTON. Do you have any way of knowing how many children in Pennsylvania are waiting to be adopted and how many parents would be willing to adopt children like those we are talking about, hard to place?

Mrs. FLYNN. We know that there are many families. Again, there is no really accurate collection of data. However, we do know that there are upwards of 12,000 children in foster care in Pennsylvania and that two-thirds of them have been in care for longer than 3 years.

Studies have shown that children who are in care for a period exceeding 2 years are very unlikely to either return home or be adopted so that they are likely going to remain in foster care.

We, again, can only estimate how many families may respond to these children. But in traveling around the State and in speaking to groups, I would say that there would be a great many families, a large number of families, who would come forward if there were financial supports for them.

And it is interesting to note, as well, that foster parents many times would adopt these youngsters, if they could continue the same kind of medical support, the financial payments, after adoption, which end at this point.

The Foster Parents' Association in Pennsylvania did a survey last year, which indicated that over half of their foster parents did not know about subsidized adoption, did not know that they could provide a permanent home for that child, in some cases with subsidy.

Senator CRANSTON. Thank you very much.

Mrs. HAUSSLING. Senator, if I could just illustrate——

Senator CRANSTON. Certainly.

Mrs. HAUSSLING. Last month, the Council on Adoptable Children held a public meeting in Fairfax County, part of northern Virginia, and we had 85 people come out for information on adoption, and that was just in Fairfax County.

They were presented with books, research exchange books, and they looked through the books and saw the children that were available. And just about 90 percent of the people in that room were very willing and very excited to talk about the waiting children, the children that are realistically available for adoption.

We had representatives with us from local social service agencies, and when the questions were put to the representatives of the social service agencies, about how the family could go about getting home studies, they ran right up against a brick wall.

The social service agencies told them that they do not have enough staff to do home studies for children who are not in their immediate jurisdiction. Many of the children that the people were looking at are from the New York State exchange. Some of the children were also from other metropolitan area agencies, but outside the jurisdictional boundaries of Fairfax County Department of Social Services. The families were told quite candidly by the caseworkers that were present that they just would not be able to do home studies for them, for children outside the jurisdiction.

And there is no one who can really go in and say, "Look, there is a child waiting in Prince Georges County, Md., and here is a family in Fairfax County, Va. who is willing and able to take this child." No one can do anything about that right now.

Senator CRANSTON. Thank you. That is very helpful.

Mrs. TUCKER. May I add also to that?

Senator CRANSTON. Yes.

Mrs. TUCKER. If the child does get placed from Prince Georges into Fairfax, successfully, without too much redtape, then the problem of the subsidy comes up again, where Prince Georges—I do not want to pick on them—where the jurisdiction where the child came from is very unwilling to transfer any funds to the other jurisdiction. They both claim that it is no longer their responsibility.

Senator CRANSTON. I would like to yield to Don Riegle.

Senator RIEGLE. Let me ask any of you, what kind of harm or damage to children have you observed when, under these sorts of longstanding practices, youngsters are moved from setting to setting, when they go from house to house.

I gather that that probably makes all the problems worse for a youngster, but I would like to have you share with us any observations you have about what does happen, so that we have a stronger rationale for trying to stop that practice.

Mrs. HAUSSLING. Our oldest child was permanently brain-damaged in his first foster home.

Senator RIEGLE. How would that have happened?

Mrs. HAUSSLING. Well, it was a situation where there were too many children in the home, and the child just did not get adequate care. He was neglected, he was not fed anything except milk from a bottle, he was never picked up. He was just left to lie in a darkened room, in a crib, all day.

Senator RIEGLE. How would that youngster even end up in that kind of a home in the first place?

Mrs. HAUSSLING. Well, there is a need for foster homes, and if an agency has a lot of children that need foster care, they are going to put him in whatever home they have available. The staff just is not adequate to properly check up on the conditions that are existing in the foster homes.

Senator RIEGLE. But it seems to me the other side of it is you are also saying that there are some people who maintain foster homes who are willing to take children who, perhaps, they cannot care for. What would be their reasons? I mean, is there a financial incentive that prompts them to do that? Why would someone do that and then not provide decent care?

Mrs. HAUSSLING. Well, if you do take a large number of foster children at one time, and you are getting the foster care payment for each child, you know, if you do not use the money for the children, then you could be financially benefiting from it yourself.

Senator RIEGLE. And do some people do that, to your knowledge?

Mrs. HAUSSLING. Well, it certainly happens. You know, we like to think that most foster parents are definitely trying to do what is best for the children. But there certainly are abuses, definitely.

Senator RIEGLE. So then, that becomes another argument for really streamlining the system. We would not only help on the upside, but also put an end to any practice where some small number of people would really take advantage of the system by, in effect, taking advantage of the child.

Mrs. HAUSSLING. Yes.

Mrs. TUCKER. The problem of foster parents is, in a lot of cases, extreme. With our little girl, she kept having eye operations, before we got her, within the first 2 years of her life. She had seven, so she had eight foster parents, because every time she went into the hospital, they took the foster parents away, to use them for another child, and when Jenny came out, she had a new foster parent.

As a result, when we got her, Jenny, one of her largest fears was a suitcase. She would literally scream and carry on in hysterics at the sight of a suitcase, because that meant one thing to Jenny.

So that backs up what Ruthann was saying, with the lack of foster parents. In some cases, there really are not enough foster parents to go around.

Senator RIEGLE. And these youngsters that have been damaged by being bounced from place to place, the ones that you have seen in your own situations or that you have seen with friends, have you been able to see a real turn-around in the health and behavior of these youngsters as they have had the chance to find some kind of normal situation with some continuity in the love relationship?

Mrs. TUCKER. Yes, definitely. I think that is one of the things that almost all adoptive parents who take older children can see. It takes a long time. With Jenny, I do not know if we will ever erase the total fear of being left. But definitely, you can see an improvement.

Mr. TUCKER. A little bit more concretely, Jenny was diagnosed as mentally retarded when we got her, and now she is at the top of the second grade class. So something concrete must have happened.

Senator RIEGLE. I take it that "mentally retarded" is sort of a catchall label that is put on children whose difficulties pile up and who may then go inward, so they just sort of get categorized that way.

Mrs. TUCKER. That is true. And most adoptive parents who come to the adoption agency wanting a special child, are somewhat altruistic. They are idealistic. If they had any idea what they were getting into, maybe they would approach it far more carefully than they do.

And when we see on the medical report that the primary diagnosis is brain damage, or the primary diagnosis is mental retardation, that does not mean much to you, except it has a negative connotation.

And then there has to be someone that backs that up. There has to be someone who says:

> Look, this is what it can mean; this is what it might not mean. Do not be afraid of it. Do not let that stop you.

That is where it breaks down. As Ruthann Haussling was saying, the social workers could not give the home study. That is where you find out what this mental retardation means, as far as a specific child.

Senator **Riegle**. May I ask just one more thing. Given your experiences now in different jurisdictions, and your talks with others, you represent a pretty broad resource of information about local social service agencies and adoption agencies and so forth. Would it be your feeling that the local units of government have not ever been really very well financed, and as a result—because it probably is one of the last things in line when budgets are approved for local units of government—they may be understaffed and underprofessionalized? I assume this to be the case, but I am wondering what you have observed?

Mrs. **Tucker**. I know in Arlington, they have right now one full-time adoption caseworker, and I know they have 80 parents right now that are waiting. And that is an impossible load.

Senator **Riegle**. So one person is trying to match some youngster with these 80 families?

Mrs. **Tucker**. Yes. And as a result, she runs around, trying to do—I think she does a very good job, for the situation that she is in—but no one can work under that condition, and no one, certainly, can help the adoptive parent, who is asking questions like:

> What does mental retardation for this child mean? What does it mean to him, what does it mean to me, what does it mean for our family, if we accept him?

Senator **Cranston**. I understand that your daughter did not say a word for the first 8 months she was in your home, is that right?

Mrs. **Tucker**. Jenny did not talk at all with us for the first 8 months. That, combined with the deep debts that we accrued within the first 6 months—my husband had just gotten out of graduate school, I had stopped working, and we took Jenny, thinking surely an insurance agency would take us on. And every insurance agency thought we were wonderful, had lots of good things to say about us, and told us they would get back to us. And of course, you know what happened.

Then we started to apply for other agencies' services, such as through public welfare. And we came down to honestly considering saying that we were separated, because if I was on welfare, I could get all of the help I wanted for Jenny. I just looked too good. I literally would go down, and dress Jenny in rather shabby clothes, so that maybe I could get something for Jenny.

And it is funny, but at the time it wasn't funny at all. We were very depressed. We were becoming emotionally attached to Jenny, and more and more, it looked like it was time to give Jenny back, because certainly, we were not helping her. And along with that, she was not talking. She would not let Allen so much as touch her. She clung closely to me, and during that whole time, said nothing.

When she finally did talk, it was a beautiful experience.

Senator **Cranston**. That last example should really interest Jimmy Carter, and convince the administration that we must act to eliminate current policies which hinder the very best efforts to create family stability.

Mrs. **Tucker**. Yes.

Senator **Riegle**. There was one other thing I wanted to raise. You mentioned at some point that 2-year placement is apparently an established practice, a long trial run before an adoption takes place. Do you think that that is probably excessive, and that if more emphasis were put on the serious construction of a plan to enable an adoption earlier in time, that that would probably work better all the way around?

Mr. **Flynn**. The point of my remarks, Senator, was that the agency that we were talking with at that time will carry a child in foster care for a period of 2 years, before they consider terminating parental rights, which is the process by which he becomes adoptable.

Senator **Riegle**. I see.

Mr. **Flynn**. In most cases, that agency, as well as most agencies in the State of Pennsylvania, will place the child for adoption in a family other than the foster family.

So the 2-year period refers to the time that the child is in foster care, and not necessarily to the time that he is in adoptive placement.

Senator **Riegle**. And why would it be their practice to put him in a foster home for so long——

Mr. **Flynn**. Well, most of the children that we are referring to—older children, particularly—are placed in foster care because of some crisis in their family. And the intention is that at the time the child is placed in foster care, that he will return to his biological family.

The studies which my wife referred to earlier indicate that after a child is in foster care for 1 or 2 years, there is almost no likelihood that that will occur.

And it is at that time that adoption should be considered.

Senator **Riegle**. Now, would it be wise or unwise as a general practice, do you think, to instead put youngsters who are in that situation directly into families that wish to adopt, so that if it turns out to be a situation where he becomes an adoptable youngster, you do not have this additional rupture?

Mr. **Flynn**. No, I think that would be unwise. Naturally, our bias is in favor of adoption; we feel very strongly about that. But to make that a policy smacks of breaking up families.

Senator **Riegle**. I see. I wonder what the odds are? I mean, I wonder, out of 100 youngsters who go through this process, how many go back to their original families, and how many go on into other familes?

Mr. **Flynn**. Well, there again, we are frustrated by lack of hard data. But a distinction needs to be made between children who are in foster care systems for a short period of time—that is, less than 1 year—there are many of those who do return to the natural family—and on the other hand, children who remain in foster care for longer than 1 year.

Mrs. **Haussling**. One thing that is very important, when a child is placed in care, that the worker be working closely with the biological family, to do everything they can to rehabilitate the family. And by having a time limit, that if, after a certain amount of time has elapsed, and there is really no possibility of rehabilitation for the family, then termination of parental rights to the child does it.

We had a foster child in our home with us for 1 year, who had been born to a 14-year-old mother and was placed immediately in foster care. And when he came to us, he was 6 years old and had spent 4 years—2 years of his life—in an infant home, and the other 4 years in the area CDC mental health ward.

The child was so severely damaged that there was no possibility of him really functioning, ever. But it had gone on already for 6 years. During that time, the biological mother had only had about three periods of contact with the child, for possibly a weekend each time, three times during the 6 years.

But no moves were being made to terminate the relationship at all.

Senator RIEGLE. Well, it sounds to me that what happens here, because of the regulations and the procedures, and the sort of pigeonholing that is done here, is that in more cases than not, we are probably adding damage from step to step.

In other words, you are taking a youngster who already has family and other problems and making them worse all along the line, before we finally get to a situation where we can really start a long-term effort to really help that youngster.

Mrs. HAUSSLING. We are really pushing hard for mandatory court reviews in situations of long-term foster care, so that a determination can be made on the basis of the casework that has been done. Certainly, after 12 months, they ought to have a pretty clear idea of where this case is heading, and if termination is the appropriate course to follow, then it should be proceeded with.

Senator RIEGLE. I would just end on that note, and I want to say again how much I appreciate, just from public interest and the human point of view, the sacrifices you have made and the goodness you have given to others, and how really special it is to even have the chance to learn about the things that you have all done.

I also want to, in passing, take note of the testimony of Richard Higley, who is the director of placement services, who spoke here earlier today as a witness, concerning the program that we have in Michigan, and the fact that we have managed to make some progress in terms of our own program in the State that I come from.

In any event, it is obvious that we need procedures and practices in place that give some uniformity and some sensitivity to this process that have just been lacking along the years.

Senator CRANSTON. Thank you very much.

I have just a few more questions.

First of all, of Ruthann and Henry Haussling, you are active also in a local adoptive parents group; is that correct?

Mrs. HAUSSLING. Yes.

Senator CRANSTON. Can you tell us about some of the difficulties facing other members in that group by the jurisdictional barriers that confront parents in the greater metropolitan area?

Mrs. HAUSSLING. Yes. We had a family in our organization who, again, lived in Fairfax County, Va., and they had adopted before, so they already did have a home study. What they would have needed would be an update, a simple matter; usually, it is just one visit from a caseworker, to make sure the family is still functioning on an appropriate level.

They became interested in a 14-year-old black Puerto Rican boy in New York State. And a 14-year-old child, just on the basis of age, is considered very hard to place.

This family was very excited about the possibility of having this child enter their family. And there was no way they could get their home study done. They even tried to go to Richmond, and get Richmond to order their local agency, which was the Fairfax County Department of Social Services, to do the study, and Richmond just would not.

It is kind of interesting to note—and in no way are we trying to say that intercountry placements are not extremely important, and they should definitely be going on—but if someone wants to adopt through, for instance, David Livingston, or HOPE, which places children from Korea, those agencies can order the local agencies to do the studies. But you cannot get anybody to order anyone to do anything about a child who might live 5 miles away from you, but outside the jurisdiction.

Senator CRANSTON. In connection with your discussion of Earl's special education needs, I would like to point out that section 5(b)(7) of the bill we are considering, which would mandate that the Director of the National Office of Adoption Information and Services coordinate other Federal programs in providing services to the clients of S. 961, should be of help.

I see the provisions of the Education for All Handicapped Children Act of 1975, which is otherwise known as Public Law 94–142, addressing Earl's schooling needs, so no new funds should be required under this bill's proposals to accomplish that.

If I could turn, finally, to you Meg and Allen, do you think your experience in adopting your daughter and securing assistance would have been different, had you adopted her from the State in which you are now residing?

Mrs. TUCKER. Yes, we do think that. Partly, we did not know what we were doing. We wanted to adopt a handicapped child. We accepted face value—we accepted what the agency told us for face value. We did not know what we were up against.

Second, when we did adopt in Virginia, we knew what we were doing, and we were far more careful. But yes, intrastate adoption is far easier than interstate.

Mr. TUCKER. I agree. I was not aware that I would have to say anything this morning, so I am a little bit unprepared.

Senator CRANSTON. Well, if you feel like adding anything based on what you have heard, do not hestitate.

What roadblocks confronted you, once you moved your daughter to Virginia?

Mrs. TUCKER. Let me give you a vivid example of a roadblock we had, that scared both Allen and myself tremendously.

Jenny came down here; one of her hands was deformed badly, and we had been told that she needed a series of operations, starting right away. This was about 2 months after we had Jenny.

So we found a doctor, a very capable doctor. He said that he was willing to perform the operations. We told him about our financial situation. He said that did not really matter, that he would go ahead with it anyway.

We wrote to New York State, saying is there any money you could give us to help with Jenny's handicaps, and they wrote back saying no, that we were unfortunately ineligible, because she was no longer a ward of New York State.

So then, I started in at Richmond, saying, "Now we are going to live here in Richmond. Could you help us out?" And they said no, that she was the responsibility of New York.

It came down to the morning of Jenny's operation, and the nurse came up to Allen and myself and said, "Would you like to sign the papers?" for the release for Jenny's operation, and we said, "No. She is not ours."

Now, when a child is placed in your home, that is exactly what it is; she is placed. She is not ours. We could not adopt Jenny for a good year after we got her. It took 1 year by the time we adopted her. So we had no legal right to sign any papers for an operation.

But yet, New York State was not going to help us, and Virginia claimed that it was not their responsibility. So we signed the papers, knowing full well that if anything happened to Jenny in that operation, we could be in a lot of trouble.

Those are barriers that you go up against all the time. Now, we knew about Jenny's operation, but a tonsillectomy on a normal child which had been adopted from another State would probably present the same problem.

Mr. TUCKER. There is another barrier that just came to mind, and that is the exchange of information about the medical history of a child from one State to another.

We were told by the agency in New York, where we got Jenny, that there was no way we could get the complete medical history for her and give that history to the doctor who wanted to operate on her, even though the operation was apparently necessary.

What we got instead was a very brief summary, paragraph explanation of the medical history, which our doctor in Virginia said was practically useless.

So in terms of exchange of information between States, I think the same principles can be applied as to the exchange of financial resources.

Mrs. TUCKER. And we understand the confidentiality, and we did have our doctor, our physician, write to the adoption agency, saying:

> I will keep this information confidential, if you will just send it to me, so that I will have a better idea of what operations have been performed previous to her moving to Virginia.

And they refused even to do that.

Senator CRANSTON. What kinds of postadoption services are available in the county where you now live?

Mrs. TUCKER. We are in Arlington, and it is the one caseworker that I was referring to before.

Senator CRANSTON. That is all, just the one?

Mrs. TUCKER. Just the one. With Brian, we were very lucky to find a Growth and Development Center in Arlington, which is for children with Brian's problems, and they were tremendous in helping us.

Senator CRANSTON. That is one caseworker covering the entire county?

Mrs. **Tucker**. Yes, yes. From what I understand, she is it. And they have been cutting back financially.

Senator **Cranston**. How do you cut back one caseworker?

Mrs. **Tucker**. Well, they had some part-time ones.

Senator **Cranston**. Do you have any idea how many children and families she tries to cover?

Mrs. **Tucker**. No, I do not.

Senator **Cranston**. Do you have any real knowledge of how many children are awaiting adoption in Virginia and how many parents there are who would like to adopt?

Mrs. **Tucker**. I am currently a graduate student at Catholic University, and I hope in a year to get an M.S.W., a Masters in Social Work. I am doing a research thesis, my master's thesis, in the fields of adoption and special needs children.

I have tried desperately over the last 6 months to find any figures at all that I could use to substantiate some of my findings and my research, and they simply do not exist. There are not any concrete figures that would be meaningful that I have found.

Mrs. **Haussling**. Senator, we could get the figures for Virginia to you. We could get those figures. I do have them.

Senator **Cranston**. If you would within 7 days, I would appreciate it.

Mrs. **Haussling**. Yes.

[Information subsequently supplied follows:]

Number of Children Awaiting Adoption And Parents Available
For Adoption in Virginia

May 31, 1975 Statistics

80% of VA agencies reporting

1,706 children free for adoption
593 in adoption placements
1,113 available for adoption

734 available for year or more after termination of parental rights

661 unplaced for reasons of age, handicapped, members of sibling group, or racial

June, 1975

1,172 children for whom they plan adoption

Senator CRANSTON. I trust you feel this bill would help in regard to the problems you are faced with?

Mrs. TUCKER. We certainly do.

Senator CRANSTON. Do any of you have any last minute thoughts to express, in light of what has been said, before we end the hearing?

Mrs. FLYNN. I would like to say about postadoption services that, generally, they are not available to the public agencies; that we have been associated with a private agency that does provide a definite range of postadoption services, and it has made all the difference to us.

If we did not have that available, we would never have been able to cope with the difficulties that the two older children have presented, and I doubt that they would have been able to remain in our home.

The other thing that I would like to mention is, as far as information, I know there are a lot of problems with the exchange of medical information. I think that one of the appalling things that I ever found was in receiving all the information that there was on the 12-year old boy that we adopted, was two pages. That was his life. That was all they knew about him, was two pages, and that he had been in six placements.

I just think that is a shocking factor, and I really think a lot more needs to be done to develop a system that can really work.

Mrs. TUCKER. I think many times the agency gets more involved with upholding the confidentiality laws than they are with helping the child out.

It is very nice to be confidential about material you have on a child, until it comes down to the child's needing that information for more operations or for more medical help.

Mrs. HAUSSLING. Earl has been with us now for nearly 6 years, and we are just now signing the final papers, and now we will get his birth history; after all this time, we will finally find out something.

Even our doctor, when he found that Earl had a rather rare blood disorder, was unable to get what he needed from the records.

Senator CRANSTON. I want to thank you once again. You have been extraordinarily effective witnesses. I admire you, not only for what you have done, but for the way you articulate the problems and express the concerns that we have to come to grips with to be of help.

I want to also thank those that have been involved in one way or another, either testifying or in other assistance to the committee.

I want to thank the subcommittee staff for the very fine work they have done and for helping to gather together such remarkable witnesses.

I want to assure all who are interested that I intend to do all I can to see to it that we proceed to markup on whatever time frame is necessary to insure that we get this bill out of the subcommittee and to the full committee and reported, before the May 15 deadline that can enable us to start action this year, without delay.

The subcommittee has received a number of letters of support for S. 961 from various organizations which I will include in the appendix as a part of the hearing record.

That ends this hearing. We stand adjourned. Again, I thank you.

[Whereupon, at 12:35 p.m., the subcommittee adjourned.]

# APPENDIX

## ADDITIONAL STATEMENTS

# STATEMENT OF THE COMMITTEE ON ADOPTION AND DEPENDENT CARE
# OF THE AMERICAN ACADEMY OF PEDIATRICS
# SUBMITTED TO THE SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT
# OF THE COMMITTEE ON HUMAN RESOURCES
# UNITED STATES SENATE
APRIL 6, 1977

Since its establishment in 1953, the Committee on Adoption and Dependent Care has been actively involved and concerned with the issues surrounding the adoptive process. S 961, the "Opportunities for Adoption Act of 1977" represents not only a significant step toward meeting the needs of children who might be adopted or who have already been adopted, but it also represents a real change from the deficit model of intervention characteristic of many past efforts. The modifications in S 961 from earlier versions of this bill, specifically the elimination of the age cutoff for children with "special needs," the provision for the investigation of "independent child placements," the vestiture of third party assistance eligibility with the child, and the provision for demonstration programs to enhance the ability of families-at-risk to care for their children in their own home reflect the continuing interest and sensitivity of this Committee to children in need of such programs and their families.

In past testimony and communications with the Congress, the Academy has spoken to the need for uniform adoption regulations and subsidization. In that regard, Section 4 (f) of S 961 is of the utmost importance if barriers to adoption are to be removed, particularly for the physically or emotionally handicapped child. Children with such "special needs" have a tremendous need and little opportunity for early placement. The extra cost of medical care and education required by such children has often precluded adoption by couples otherwise eager and willing to accept such a child into their families. We would point out, however, that the success of any subsidization plan for children with "special needs" will depend on the development of a care plan for that child.

Section 5, which deals with the establishment of a National Office of Adoption Information and Services, provides a pathway to the development of a seriously needed body of information about adoption. We know so little; we need to know so much more. A national office will provide a stimulus to the development of knowledge which may make it possible to place children in more appropriate adoptive homes.

We know certain things:

(1) That it is better to place a child early in life. We don't know the optimal age. However, we do know that there is a higher psychiatric referral rate for adopted children than for the general population, that the frequency of emotional problems of the adopted diminishes with diminishing age of placement, and that there is no particular difference in frequency as compared to the general population if placement occurs before one month of age.
(2) We know that children in need of adoption may be held in foster care or in institutional care for inappropriate lengths of time, frequently drifting from setting to setting, unable to obtain even the rudiments of appropriate medical care. Here again, state and local laws in this regard are so variable that medical care for the child both before and after placement is too often crisis oriented and discontinuous. Too often, record keeping is minimal. The simple need to keep immunizations up to date is easily neglected. Continuity in medical care, the need of every citizen of this country, is dramatically absent in a group of children who desperately need it.
(3) We know what kind of people the adopting parents are and the kind of home they provide are of great importance. It is important to know how they feel about

adoption, about the child, about illegitimacy, about the circumstances which suggested the option of adoption to them.
(4) We know that adoptive parents have continuing problems with managing the concept of adoption once the child is in the home. For instance, many if not most of them have considerable difficulty in telling their children that, in fact, they are adopted. This gives a very real sense of threat to the relationship.
(5) We know that the "psychological" bond created between the child and parent during the critical, formative early months and years is a more powerful bond than that created by the biologic fact of birth.
(6) We know that a signficant number of children are involved, perhaps as many as two or three per cent of the children in this country. We know, therefore, that this is a problem of major proportions, both in terms of the single individual and in terms of the aggregate of persons involved, the adopted child, the adoptive parents, the biologic parents, and siblings. Indeed, a good registry will give us an accurate accounting of the numbers of people involved.

But there is much more we don't know - and this lack of knowledge is complicated by the too common assumption that adoption is little different from the biologic experience.

(1) We really don't know the full extent of the influence of the child's gestational and postnatal preplacement life on the child's adjustment to adoption and on the eventual outcome of that adoption. We don't understand the complexity of the many other variables that bear on that outcome.
(2) We do not know nearly enough about the conscious and unconscious motives which bring parents to adoption. This, particularly, in a time of profound change in the American family and its life style.
(3) We really do not know how to judge whether it is better for a woman to raise her illegitimate child or to give that child up for adoption.
(4) We do not know the characteristics of a family appropriate for adoption in terms of size or the presence of biologic children in the home or, for that matter, many other variables.
(5) We are bothered by the adopted child's curiosity about biologic origin. We are uncertain as to whose rights have primacy here, the child's, the biologic parents, or the adoptive parents. We are uncertain as to the threat of that knowledge to the psychological bond and we are uncertain as to the threat to the biologic parents. Involved is our social ambivalence regarding the rejection adoption represents, about illegitimacy, about the fact that adoption forces the child involved into a minority role.
(6) We do not know how best to tell the child about his or her adoption.

This bill promises needed innovations in the adoptive process. The obvious advantage of uniform adoption regulations and of federal subsidization to smooth the way may, in fact, in the long run, be overshadowed by the potential of a mechanism which provides for the development and sharing of information so that those of us who are invested with the responsibility for making decisions about adoption may make those decisions with more sound knowledge, much freer of the bias of our personal value judgments. This is a mechanism which can lead to the development of information not only about adoption, but about the approximately 270,000 children in foster care, and which may help us with many social, emotional problems about which there is much opinion, considerable emotional storm, and little substantive information.

While the provisions of this bill are admirable and greatly needed, we also need more. We suggest that this bill be amended to:

(1) Suggest that the National Office of Adoptive Information and Services explore the mechanisms by which children in the adoption process are given advocacy, and explore whether, in that process, the children themselves have a right to counsel.
(2) Affirm that the health and medical care needs of children in need of adoption are particularly acute, particularly discontinuous, particularly dependent on a sound medical record and provide for mechanisms which would assure the continuity of care which is the cornerstone of the quality health care necessary for each of us.
(3) Provide a mechanism for funding appropriate research efforts performed with utmost scientific vigor, efforts which may help us remedy the defects in our knowledge, help us find the best possible solution for those who offer children for adoption, for those who adopt them, and for the children themselves.

The Academy commends the Senate for its advocacy role on behalf of children in need of adoption and pledges its support in working toward the passage and implementation of this Act.

cb

The American Legion
For God and Country
★ WASHINGTON OFFICE ★ 1608 "K" STREET, N.W. ★ WASHINGTON, D.C. 20006 ★
(202) 393-4811 ★

April 4, 1977

Honorable Alan Cranston
United States Senate
452 Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Cranston:

The American Legion appreciates your introduction of S. 961, a bill to improve the child adoption process. Our interest in this area is illustrated by the enclosed Resolution No. 140 adopted at our National Convention in August 1976.

If our office can be of any assistance to you on this matter, please contact us.

Sincerely,

Mylio S. Kraja, Director
National Legislative Commission

C1

VETERANS' AFFAIRS COMM.
RECEIVED
APR 07 1977
RECEIVED
WASHINGTON, D.C. 20510

## STATEMENT OF RAY PATTERSON, DIRECTOR
## NATIONAL CHILDREN AND YOUTH COMMISSION
## THE AMERICAN LEGION

to the

Subcommittee on Child and Human Development
Committee on Human Resources
United States Senate

April 4, 1977
on
Child Adoption Procedures

Mr. Chairman:

The American Legion is grateful for the opportunity to present its views on child adoption. We support the intent of S. 961 in establishing a National Office of Adoption Information and Services to provide an exchange of information among the States. As illustrated by the appended Resolution No. 140, we endorse the "clearinghouse" approach as an effective method to reduce the time required for completion of the adoption process.

The American Legion has long since recognized the family unit as the foundation of our society. The tragedy of a broken home and family disintegration is certainly cause for concern but the long term separation of adoptable children from the family unit because of legal and other barriers is even more alarming. As proposed by the legislation now being considered, we feel that only the federal government is capable of establishing the uniformity of adoption procedures necessary to achieve the desired results.

We are not advocating any usurpation of state or local authority by seeking the federal government's assistance in this regard; however, we do believe that an exchange of pertinent information between States can only be initiated and administered at the national level. This is not a matter of competing jurisdictions but rather a cooperative effort directed at solving one of our nation's most perplexing problems.

FIFTY-EIGHTH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION
SEATTLE, WASHINGTON, AUGUST 24, 25, 26, 1976

RESOLUTION: No. 140

COMMITTEE: Children & Youth

SUBJECT: "Adoptive Children"

WHEREAS, More than 350,000 children are in foster care today and there are probably an equal number in need of such services, and

WHEREAS, Many thousands of children from birth through adolescence remain in institutions or foster homes because of the legal and other obstacles to their placement in permanent adoptive homes, and

WHEREAS, Foster care is more conducive to the health and welfare of such children than institutional care, and

WHEREAS, Many persons are seeking to adopt children, but are unable to locate locally a suitable child because of the scarcity of adoptable children and other obstacles, Now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Seattle, Washington, August 24, 25, 26, 1976, That we recommend the Office of Child Development of the Department of Health, Education, and Welfare create a clearinghouse for the purpose of expediting interstate adoption procedures, and be it further

RESOLVED, That each state be informed of this service and requested to submit pertinent information on each child to the clearinghouse, and be it finally

RESOLVED, That this national clearinghouse be requested to submit periodic listings of these adoptable children to all state agencies.

## STATEMENT OF
## MARJORY MECKLENBURG, PRESIDENT
## AMERICAN CITIZENS CONCERNED FOR LIFE

PREPARED FOR
SUBCOMMITTEE ON CHILD AND HUMAN DEVELOPMENT
OF THE COMMITTEE ON HUMAN RESOURCES
UNITED STATES SENATE
May 12, 1977

Mr. Chairman and members of the Subcommittee, on behalf of American Citizens Concerned for life, I am pleased to enter this statement in support of Senate Bill 961, the "Opportunities for Adoption Act of 1977".

American Citizens Concerned for Life, ACCL, is a national organization which seeks to promote respect for human life and to work for its enhancement. To further that goal ACCL has established priorities which include advocating legislation to protect all human life, working for programs to provide supportive services for pregnant women and their families and supporting public and private measures that enhance the dignity and value of each human person.

ACCL supports S.961 for the following reasons:

1. The well-being of children, both born and unborn, is of special concern to us and we believe that the improved adoption and foster care services called for in this bill would benefit children.

2. Abortion is viewed by our organization as a destructive act whereas adoption is a constructive alternative to terminating the pregnancy for both married and single persons. Therefore, we favor the availability of excellent adoption services which will make this option attractive.

3. Situations exist where either a single or a married woman continues a pregnancy and keeps the child and then, at a later time, needs to relinquish parental responsibility. In this event, well coordinated and funded programs are needed to place these children regardless of their age or special need.

4. This bill provides prenatal, natal, and postpartum services to women who cannot assume the costs for such necessary care and who elect to continue their pregnancies and to place their children for adoption. The allocation of additional funding to carry out such services called for in Section 4 Subdivision 2 would have tremendous impact. The availability of such assistance would help balance the dilemma that exists at the present time whereby the woman who decides to terminate her pregnancy can get federal monies to pay for the abortion, but the woman who decides to go through with the pregnancy and relinquish the child is not always eligible for financial assistance.

   It is not our intent in supporting S.961 to provide undue pressure for pregnant women to choose to place their children for adoption, but merely to make continuing the pregnancy and relinquishing the child a viable option that will be more widely available to women because of reduced economic pressures to abort. ACCL has also supported legislation to assist the mother who continues the pregnancy and keeps the child (S.2360 and S.2538, 94th Congress).

   Services should be made available which will remove, or at the very least balance, the pressures that presently exist to abort children, and also to provide for the special needs that these children and their mothers and families may have.

5. The renewal of the Child Abuse Prevention and Treatment Act which is now part of S.961 is a legislative priority for ACCL because through research and development of demonstration projects funded by the extension of this Act discoveries may be made which will reduce and eventually eliminate child abuse. It is a sad commentary that in our great country abuse to children, both before and after birth, is a growing practice. Widespread violence to human beings who are dependent, because of age or other special conditions, can not be tolerated in a humane society.

In summary, ACCL supports S.961 because we believe the programs it authorizes will improve the well-being of our nation's children. We commend the concern for human life and the high value placed on children evident in this legislation and urge its passage.

**National Urban League, Inc.**

The Equal Opportunity Building
500 East 62nd Street, New York, N.Y. 10021
Telephone: (212) 644-6500

*President*
DONALD H. McGANNON

*Senior Vice-President*
WENDELL G. FREELAND

*Vice-Presidents*
DANIEL A. COLLINS
JAMES R. KENNEDY
JEANNE SPURLOCK

*Secretary*
CHESTER BURGER

*Assistant Secretary*
GEORGE JENSEN

*Treasurer*
FREDERICK D. WILKINSON

*Assistant Treasurer*
CECIL B. FORSTER, Jr.

*Executive Director*
VERNON E. JORDAN, Jr.

*Board of Trustees*
Lucy Wilson Benson
Elvalee Banks
Andrew F. Brimmer
Sylvia Burgos
Michael Burke
Edward E. Carlson
Lisle C. Carter
Herb L. Cawthorne
Michael C. Clement
Jewel L. Cooper
W. Don Cornwell
The Right Rev. John P. Craine, DD
Ronald R. Davenport
Coy G. Eklund
James B. Farley
M. Anthony Fisher
Elizabeth L. Fitter
Gale Fulton-Ross
I. Owen Funderburg
Alfreda M. Garibaldi
James H. Gilliam
Charles J. Hamilton
Jesse Hill, Jr.
William A. Hilliard
Joyce A. Hughes
Richard I. Jacob
Charles W. Johnson
W. W. Johnson
Lane Kirkland
Daniel H. Kruger
Clarence G. Littlejohn
William Lucy
Ronald A. McKinley
Edward McMahon
James L. Mack
Andrea Torres Malone
Louis Martin
Bishop Samuel S. Morris, Jr.
Edward N. Ney
John E. Osondine
Charles J. Pilliod, Jr.
John W. Porter
Ida A. Powell
Evelyn J. Reingold
Eric Lee Sass
T. Joseph Semrod
Richard R. Shinn
Charles H. Smith
Otis M. Smith
Martha R. Wylie
Theodore L. Yarboro

*Honorary Trustees*
WILLIAM H. BALDWIN
LLOYD K. GARRISON
THEODORE W. KHEEL
LINDSLEY F. KIMBALL
JAMES A. LINEN
HENRY STEEGER

May 31, 1977

Honorable Alan Cranston
452 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Cranston:

I would like to take this opportunity to comment on the "Opportunities For Adoption Act of 1977", (S. 961).

The National Urban League has been involved in issues related to the improvement of child welfare for many years, therefore, we are supportive of efforts to enact positive legislation to ameliorate the situation facing the adoptable child.

It is our view that this initiative will provide some of the much needed direction in the field of adoption.

Sincerely,

Ronald H. Brown
Deputy Executive Director for
Programs & Government Affairs

RHB:mdr
Enclosure

Contributions to the National Urban League are tax deductible

# NATIONAL URBAN LEAGUE/INTERAGENCY ADOPTION PROJECT
# STATEMENT OF POSITION ON
# "OPPORTUNITIES FOR ADOPTION ACT" (S. 961 & H.R. 5550)

The National Urban League is a non-profit national organization designed to secure equal opportunities in all sectors of our society for Black Americans and other minorities. By virtue of its professionals, its roots in the community, and its institutional strength, the National Urban League has a mandate to speak out on any and all public issues on behalf of its constituents. National Urban League headquarters are in New York City and in addition to the Washington Bureau, Research Department, and Regional offices, there are 107 affiliates in 35 states and the District of Columbia. The League sponsors programs in the following areas: Health, Housing, Education, Administration of Justice, and Youth Development. In its Social Welfare Division are programs dealing with Advocacy in support of the minority aged, child abuse and neglect as well as adoptions.

The National Urban League demonstrated its interest in child welfare and adoptions as early as 1953, when it sponsored "The National Urban League Foster Care and Adoption Project". The results of the local efforts that were carried on by the Urban Leagues in greater New York and Westchester as cited in Children of the Storm, Billingsley and Giovannoni, showed that not only were blacks willing to adopt, but that "...agencies screened out and discouraged willing potential adoptive families; some agencies having black children in their custody did not cooperate at all..."

An analysis of the data obtained from the registrations of 278 persons with the recently conducted Interagency Vietnam Adoption Committee Project (IVAC), substantiated the fact that, contrary to popular belief, the average black family seeking to adopt Black/Vietnamese children consisted of working couples with modest incomes (combined total averaged $15,000). These families attempted to adopt foreign children because they had been waiting an average of two years for a child from their own community. However, after children were no longer available from South Vietnam, the adoption agencies with whom IVAC subcontracted locally, continued to work with the families and searched for Black American children which resulted in the placement of 110 American children in addition to the 23 from Vietnam.

The National Urban League further demonstrated its interest in minority families and children by conducting a study on "Informal Adoption Patterns Among Black Families" by Dr. Robert B. Hill, NUL Research Director. In discussing the study, Dr. Hill states that it is unique; the only one which uses empirical evidence to describe the adoption status of out-of-wedlock children. He observed that such black children were cared for through the extended family kinship patterns; a very strong tradition in the black community. He further observed that the type of relative who could most easily accept an additional child, especially the older hard-to-place child, was least likely to get that child through an adoption agency because that relative was most likely to be a female head of household, an older person and/or poor. Current agency practices usually exclude such "non-traditional" families, thereby, greatly reducing the pool of available homes. Any legislation designed to meet the needs of a population with large numbers of minorities must build in a mechanism to ensure consideration of such factors.

A recent forum conducted by the NUL in 11 cities on the needs of the non-white handicapped persons revealed the need for special attention to the adoption of minority handicapped children. Although results of this forum will be presented during the forthcoming White House Conference on the Handicapped, we feel this Committee should be cognizant of these special needs.

The National Urban League continues its historic role in child welfare through its development of an adoption research and demonstration project, the Interagency Adoption Project (IAP) funded by HEW/OHD, July, 1976. Of the nation's approximately 425,000 children in foster care, it has been estimated that 40 percent are of black parentage, a figure which runs as high as 50 percent in some urban areas. This fact weighed heavily in NUL's decision to sponsor IAP. Because of many complex and interrelated factors in the field of child welfare that obstruct black adoptions, the situation of the black child without a family is near crisis proportions - because:

- Adoption agency outreach to black families is limited;

- The black community nationwide has not been made aware of the need for adoptive homes;
- Current financial incentives to child welfare agencies encourage foster care over adoption;
- It is difficult to assess the numbers of children and their adoptable status nationally;
- Agency assessments of black families by white middle-class standards still prevails and undermine black adoptions because such standards are not viewed within the context of the economic reality of the community to which they are applied.

The Interagency Adoption Project of the National Urban League, is working with adoption agency personnel who devise and control adoption procedures and with black families interested in adoption. It proposes to create a model for improving the delivery of service to the minority community. We are committed to the belief that children can be successfully placed and that the participation of concerned black adults is central to the process.

IAP counselors work within local agencies such as Afro-American Family and Community Services in Chicago, Illinois; Columbia Urban League in Columbia, South Carolina; and Adopt Black Children Committee in Houston, Texas, informing the community of needs in respect to black adoptions, recruiting adoptive families for 100 children, helping minority parents through the entire adoption process, and working towards defining a black perspective on adoptions.

The national staff is assisted in the provision of program direction and examination of critical issues by an Advisory Committee, Chaired by Mr. James R. Dumpson, Assistant Director, New York Community Trust. Among the members are Dr. David Fanshel, Professor, School of Social Work, Columbia University; Dr. Robert B. Hill, Director, Research Department, National Urban League; Ms. Betsy Cole, Director, North American Center on Adoption; Mr. Benjamin Finley, Executive Director, Afro-American Family and Community Services; Mr. Alfred B. Herbert, Adoptions Project Director, Black Child Development Institute; and Mrs. Jane D. Edwards, Executive Director, Spence-Chapin Services to Families and Children.

Research by the Black Child Development Institute, Dr. David Fanshel and others, documents the number of children in need, their movement through the system and the difficulty in ascertaining their exact numbers. Preliminary findings from IAP research indicate that the establishment of a "National Office of Adoption Information and Services" is necessary.

A nationwide survey of state departments of social welfare is currently underway. We have received statistics on children adopted and children in foster care from 24 states thus far. While cooperation has been considerable, there are serious gaps in the information received. For example, some states keep records only on children in the public sector and have no information on children placed or in care with private agencies. Other states gather data from only a few of the many counties within the state. Some statewide records are kept on the basis of the fiscal year, while others are kept according to the calendar year. Even when information is forthcoming, it may not be available until six months after the close of the calendar year. The information on foster care is even more inadequate than adoption data, and characteristics of children in foster care is detailed by very few states. For instance, only 11 out of 24 states were able to report on the number of minority children in care in their states. Such information would be invaluable in planning permanency for children. This is particularly true in a state such as Virginia, in which 50% of the foster care children in December, 1976 were black, although only 18% of children adopted by non-relatives in 1976 were black. Such lack of uniformity creates serious problems for those of us who are committed to providing permanency for all children, we must know who and where the children are if we are to provide comprehensive adoption planning.

IAP believes that major reforms are needed in adoption services and Senate Bills S. 961 & H.R. 5550 appears to have the potential to ameriolate many of the impediments so in evidence to those of us who work directly in the community. Therefore, we are proposing four (4) modifications:

ONE: That under (Section 3a) a Committee on Uniform Adoption

Regulations would be a vital part of any program designed to improve adoption for all children. Since so many minority children are in need of adoptive homes, we feel that it is not sufficient to include on the Committee those "representatives of minorities", but rather the percentage of members for any specific ethnic or racial group on the Committee should be the same as the percentage of any specific ethnic group in the total population of children waiting for adoption.

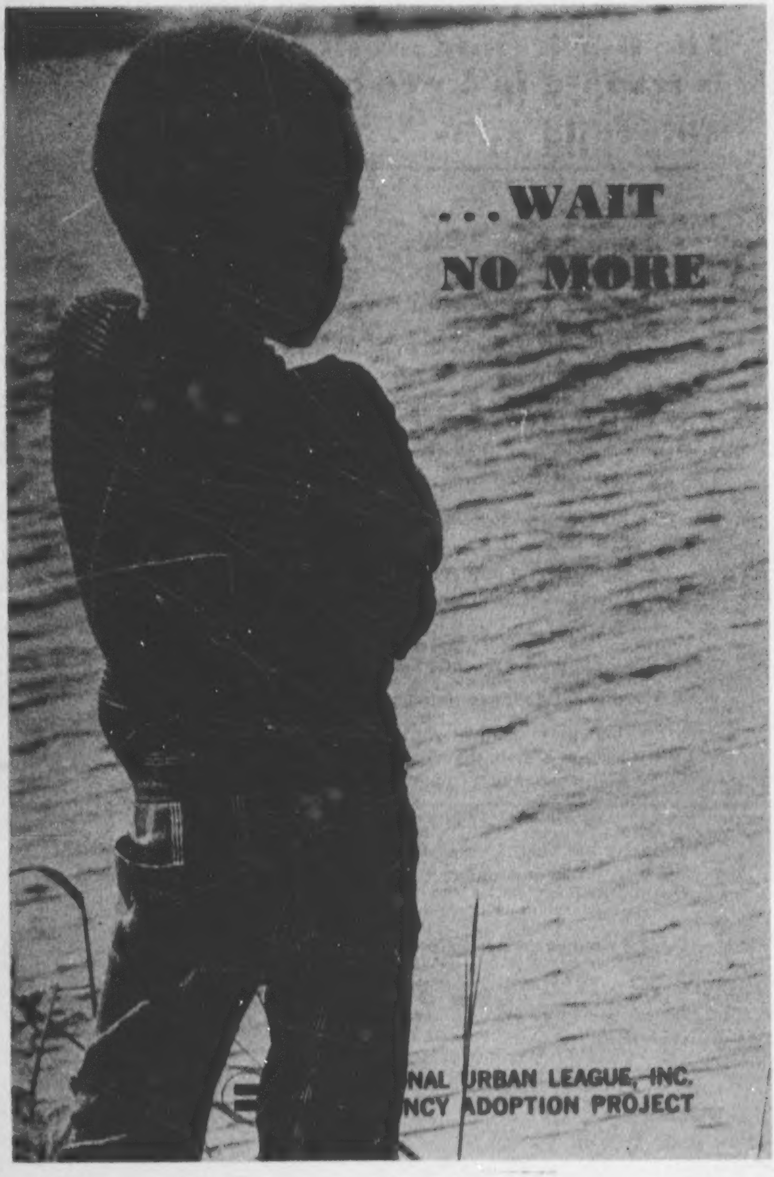
TWO: That under (Section 4a) Grants for Adoption Assistance and Services: The public and private adoption agencies who are to be recipients of these grants are often unable to meet the needs of minorities. It may be necessary for organizations outside the traditional child welfare system to initiate innovative practices to appropriately place minority children in greater numbers. Therefore, we propose that "social welfare organizations" be included as recipients of grants. This would allow for the development of agencies or jointly sponsored programs to be funded to provide services to children in special circumstances.

THREE: That under (Section 4a2) Grants for Adoption Assistance and Services providing for the assumption by agencies of prenatal, natal and post partum services for women be amended because we are fearful that a woman about to give birth may feel obligated to surrender her child to an agency once an agreement has been made for that agency to provide prenatal care, we would include the statement that "consumers of such services should be informed, during the planning process, of their rights and responsibilities should they reverse their decision regarding surrender of the child".

FOUR: That under (Section 4b4) Grants for Adoption Assistance and Services; that any legislation should include provision to support the natural resources available through the strong kinship network operating in the black community. Relatives should be given foremost priority in being considered as adoptive parents to a related child who is available for permanent placement.

This group should be given the same assistance with the adoptive process herein prescribed for foster parents. Foster parents could continue to be given priority after adoption by relatives has been explored.

The National Urban League would like to commend the sponsors and the Committee on this tremendous step toward the provision of permanency for all children.



...WAIT
NO MORE

NAL URBAN LEAGUE, INC.
NCY ADOPTION PROJECT

# The Black child awaiting adoption is trapped in a web of conflicts. This child waits . . . . .

. . . Waits because . . .

- Agency outreach to Black families is limited
- Black communities are not aware of the need for adoptive homes
- Myths surround the Black family's willingness, ability and suitability to adopt
- Financial incentives to child welfare agencies encourage foster care over adoption
- Agency assessments of Black families undermine Black adoptions
- Placement efforts for older and handicapped Black children are minimal
- Red tape short circuits many adoptions
- Advocates for the adoptable Black child are scarce
- Potential adoptive parents are not aware that—
    - Bank accounts, religion, social status and income level are not the most important factors in adoption —a capacity for parenting is what counts
    - 35 states provide subsidies for adopted children
    - The costs of adoption are covered by community funds in some states
    - Adoption is permitted across state lines
    - Single persons are eligible to adopt

# The Interagency Adoption Project
# IAP

The INTERAGENCY ADOPTION PROJECT (IAP) of the National Urban League is working to untangle the web in which black children wait. This means working with adoption agency personnel who devise and control adoption procedures, with black families interested in adoption and with those members of the community who have a loving interest in the welfare of children.

The goal of the IAP over the next years is to contribute to a solution to the plight of black children awaiting adoption. We are committed to the belief that these children can be successfully placed and that the participation of concerned black adults in the adoption process is central to the process.

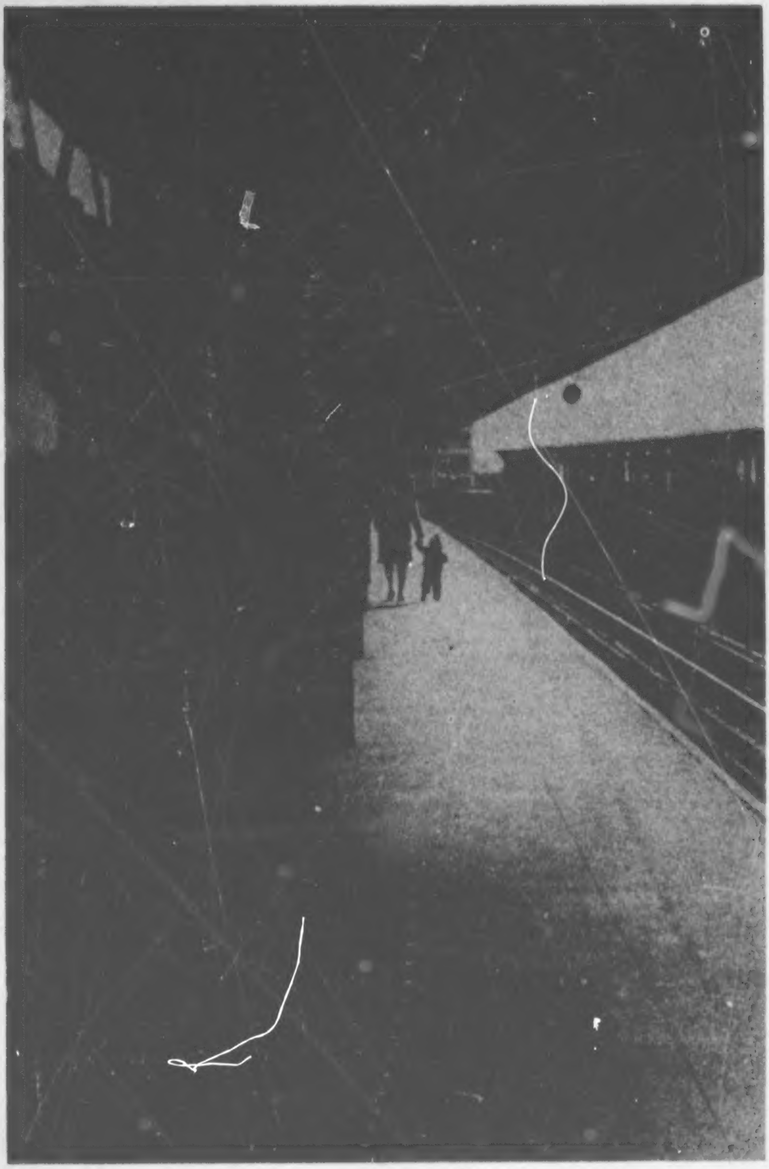
## IAP Is:

- Defining a Black perspective on adoptions
- Distributing information to help alter attitudes that obstruct adoptions
- Updating procedures to improve adoption practices
- Seeking the elimination of agency fees
- Recruiting Black applicants for adoption
- Stimulating the adoption of children over six and children with handicaps
- Ensuring that children from the same family are adopted together
- Trying to place 100 Black children in adoptive homes

**Of the nation's approximately 300,000 children in foster care, 40 percent are black; 60 percent in some urban areas. Because of many interrelated factors in the field of social welfare that obstruct black adoptions, the situation of the black child without a family is critical. These children are not being adopted in proportion to their numbers in the nationwide pool of adoptable children.**

# *Get Involved:*

- **Speak up**
- **Become an Advocate**
- **Adopt**



NATIONAL URBAN LEAGUE, INC
500 East 62nd Street, New York, N.Y. 10021
(212) 644-6500

Donald H. McGannon, *President*
Vernon E. Jordan, Jr., *Executive Director*
Ronald H. Brown, *Deputy Executive Director for Programs & Government Affairs*
William J. Haskins, *Director, Community Development Department*
Jeweldean J. Londa, *Associate Director, Social Welfare Division*
Evelyn Eggleston, *MSW, Project Director, Interagency Adoption*
Barbara L. Tint, *MSW, Research Associate*
Maggie D. Roberts, *Special Assistant*

*Counselors:*

Ms. Shirley Anne Battle,
*Adoption Specialist*
Afro-American Family
and Community Services
440 West Division Street
Chicago, Illinois 60610

Mrs. Patricia Harrison,
*Adoption Specialist*
Columbia Urban League
2530 Devine Street, Suite 203
Columbia, South Carolina 29250

Ms. Cormellia H. Locklear,
*Adoption Specialist*
Adopt Black Children Committee, Inc.
8602 Allwood
Houston, Texas

*Photography:*
Chester Higgins, Jr.
Willie Thomas

*Graphics:*
Genevieve Rucker

*Prepared by:* INTERAGENCY ADOPTION PROJECT
NATIONAL URBAN LEAGUE

Prepared under grant #90-C-899 from the office of Child Development, Department of Health, Education and Welfare, Washington, D.C.

*For Information Contact:*

*Association on American Indian Affairs, Inc.*

432 Park Avenue South
New York, N. Y. 10016

MU 9-0720

*Oliver La Farge, President*
*(1932-1963)*

*Alfonso Ortiz, Ph.D., President*
*Benjamin C. O'Sullivan, Vice President*
*Mrs. Henry S. Forbes, Secretary*
*E. Tinsley Ray, Treasurer*
*William Byler, Executive Director*
*Arthur Lazarus, Jr., Richard Schifter, General Counsel*

June 2, 1977

The Honorable Alan Cranston, Chairman
Subcommittee on Child and Human Development
Room 4230
Dirksen Senate Office Building
Washington, D.C. 20510

Re: S. 961, "Opportunities for Adoption Act of 1977."

Dear Senator Cranston:

On behalf of the Association on American Indian Affairs, we would like to express our support for S. 961. We are delighted that the bill incorporates most of the suggestions that we proposed in the 94th Congress, including the important recognition of Indian tribes as eligible recipients of financial assistance under the bill.

We hope that such recognition will also be a part of similar legislation in the House of Representatives.

For your further consideration, we would like to offer several specific comments on the bill.

Section 4 (b)(4).

This section provides that states make financial assistance available to foster parents who may wish to adopt a child, but whose financial situation precludes adoption. Presumably, adoption would occur only when it is in the best interests of the child. If this section is intended to alter the basic temporary nature of a foster-parent--foster-child relationship, we strongly recommend that the section be modified to preserve the limited goals of foster-care placement as an interim out-of-home child-care resource. Only after foster-care placement has become unavoidably long-term and all good faith efforts to reunite the natural parent and child have demonstrably failed should the foster parents be considered as possible adoptive parents.

In our years of experience working with Indian families in situations involving foster-care placement, it has been a repeated occurrence that--given an opportunity to turn a foster-care placement into an adoptive placement--social service agencies will pursue adoption rather than provide fundamental social services to Indian natural families in an effort to preserve the natural family relationship through the return of the child to the home of its natural parents. This agency approach to Indian children has frequently derived from prejudiced agency personnel attitudes concerned with "saving" Indian children from the "savage" Indian way of life. Too often, Indian parent-child relationships have been terminated unnecessarily and children placed for adoption needlessly, most commonly in non-Indian homes.

The scandalous rates of placement of Indian children in unwarranted foster and adoptive care may continue if S. 961 encourages the transformation of foster into adoptive placements. The danger is especially serious when agency personnel and foster parents enter a foster-care relationship with the notion of adoption at a later time. Also, if parents who need foster care as a social service resource believe that the placement of a child in foster care could ultimately result in an adoption, they may be discouraged from using foster-care placement, to the potential detriment of the child.

Section 4 (e)(1).

For many years, Indian children were categorized as "children with special needs" because they were identified as "hard-to-place." A consequence was a national effort by adoption agencies to promote the adoptive placement of Indian children. This resulted in excessive placements of Indian children with non-Indian families far from their tribe of origin. For years, no efforts were made to reunite Indian adoptive or foster families.

In recent years, Indian tribes throughout the United States have undertaken to stop the placement of Indian children outside of their tribes of origin. We recognize that the purpose of S. 961 is not to encourage unnecessary adoptive placement of Indian children and that the bill does provide significant benefits to Indian communities. However, in light of the past history of many unnecessary adoptive placements of Indian children, we wish to suggest that the Committee Report on S. 961 specifically state the intent of the Committee that adoption is not a substitute for quality social services to maintain natural family integrity.

Section 5 (b)(4).

This section provides that the Director of the proposed National Office of Adoption and Information Services measure and evaluate the impact of the programs authorized by this Act and report to the President and the Congress annually on the number of children placed in adoptive homes during the preceding year, and estimate the number of children currently in foster care who have been in such status for six months or more. We urge that such reports include breakdowns of such children by their "special needs" as defined in Section 4 (e)(1). One purpose of this would be to monitor the rates of placement of Indian and other minority children.

We also urge that such reports include an ethnic breakdown of the adoptive homes and foster homes in which the children are placed. Many Indian parents have been discriminated against by social service agencies, and thus prevented from adopting Indian children even though they are in all respects fit adoptive parents. The purpose of gathering this data would be to help determine whether prospective Indian adoptive parents are being given equal opportunity to adopt Indian children.

Section 5 (b)(5).

This section would insure that adoption agencies receiving assistance pursuant to the Act subscribe to standards of quality in accordance with rules and regulations prescribed by the Director for Adoption Services. These rules and regulations would include standards to protect the rights of the children in question. It has been our experience that the standards used by public and private adoption agencies often conflict with the standards that Indian tribes consider appropriate for child-rearing. Furthermore, the standards used for certification of families for the foster or adoptive care of children have often served to exclude Indian families from qualifying. For example, Indian families are often large, including extended family members, and live in relatively small homes. Some Indian families have reported that they have been disqualified from adopting Indian children solely because they did not meet agency space requirements (e.g., that adoptive homes have x amount of square feet per person), even though they were otherwise fully qualified as adoptive parents. We urge that any regulations adopted at least have the flexibility to accommodate the special needs of Indian children and families, and that they respect the standards adopted by Indian tribes themselves.

### Section 5 (b)(6).

This section concerns the operation of a national adoption information exchange system and allows the Director of the National Office of Adoption Information to establish this system. Adoption information exchange systems have totally failed to place significant numbers of Indian children in Indian adoptive homes. The overwhelming majority of all Indian children placed for adoption are placed with non-Indian families. For example, in California 92.5 per cent of all Indian children placed for adoption by public agencies in 1975 were placed in non-Indian homes. Other states show a similar pattern. We urge that S. 961 specifically assure that the interests of children with special needs are represented in the operation and rules governing an adoption information exchange system. Such representation can be accomplished through the establishment of a Policy Committee consisting of persons and organizations with an interest in the adoption of children with special needs. The Policy Committee would directly participate in the development and operation of the Adoption Information Exchange System. At a minimum, S. 961 should require that the Director of the National Office of Adoption Information report back to the Committee on Human Development the efforts made to develop an adoption information exchange system consistent with the needs of Indian and other minority children and with the intent of Congress in authorizing the establishment of such a system.

### Sections 6 (a)(1)(2)(4).

These sections provide for a study of the numbers and characteristics of adopted children and adoptive families. We urge, for the reasons previously stated, that such a study include a breakdown of children and adoptive families by ethnic and racial factors. (See comments on section 5 (b)(4).)

### Section 6 (a)(5).

This section provides that a study be designed to measure the effect of adoptive placement on the well-being of the child and any siblings in the adoptive family. While adoption law provides that once an adoption is finalized the legal relationship of the child with its natural parents is terminated, it is not necessary for such adoption to terminate the relationship between the adopted child and its natural siblings. We urge that the study be broadened to include the effects of a placement on the natural siblings, if any.

For a detailed description of Indian concerns related to the purpose of S. 961, we wish to refer you to: *Indian Child Welfare Program*, Hearings before the Senate Subcommittee on Indian Affairs, 93rd Congress, Second Session (April 8-9, 1974); *Report on Federal, State, and Tribal Jurisdiction, Final Report of Task Force IV (Federal, State, and Tribal Jurisdiction) of the American Indian Policy Review Commission* (U.S. Government Printing Office: 1976); and *Indian Child Welfare: A State of the Field Study*, DHEW Publication No. (OHD) 76-30095 (1976).

May we also call your attention to an apparent misprint in Section 4 (h) at line 18: Where the Act says Section 4 (b)(6), should read 5 (b)(6).

Please accept our statement for the permanent record on S. 961.

We would welcome the opportunity to answer any questions you have, and to work with you further as the legislation progresses.

Sincerely yours,

Bertram E Hirsch
Bertram E. Hirsch
Attorney at Law

Steven Unger
Editor, *Indian Family Defense*

P.S. For your information we are enclosing a copy of an editorial describing the needs of American Indian families that appears in the current issue of *Social Casework*, published by the Family Service Association of America.

Pages 178-180 contain copyrighted material, not available for reproduction. "Editorial Notes: Destruction of American Indian Families." *Social Casework*; v58 n5, May 1977.

State of Illinois
DEPARTMENT OF
CHILDREN AND FAMILY
SERVICES

State Administrative Offices • 623 East Adams Street • Springfield, Illinois 62706

April 15, 1977

The Honorable Alan Cranston
U. S. Senator
229 Russell Building
Washington, D.C. 20501

Dear Senator Cranston:

Even though we were unable to appear in person in support of S. 961, the Opportunities for Adoption Act - 1977, I want to inform you that this department is in full support of the bill.

Adoption services must be given priority in each state. Illinois has been fortunate in that our state legislature recognized early the benefit of having a strong and active adoption program. Since this state's subsidized adoption program began in 1969, it has helped place nearly 2,100 children in permanent homes.

We thank you for recognizing the need for legislation in this area and the need to provide financial assistance to the states to improve their programs. We would welcome the opportunity to provide any assistance we can to assure passage of the bill.

It is most heartening this year to see the active discussions in Congress not only in relation to S. 961, but also concerning the full funding of Title IV-B services for children and families. Both pieces of legislation will do much to provide permanency for children and reduce the necessity for long term foster care or institutional placements.

Sincerely,

Donald H. Schlosser

Donald H. Schlosser
Acting Director

sk
cc: Senator Stevenson
Senator Percy

The Commonwealth of Massachusetts

COMMITTEE ON CRIMINAL JUSTICE

110 TREMONT STREET · 4TH FLOOR · BOSTON 02108

(617) 727-6300

MICHAEL S. DUKAKIS
GOVERNOR
FRANCIS X. BELLOTTI
ATTORNEY GENERAL
CHAIRMAN

ROBERT J. KANE
EXECUTIVE DIRECTOR

April 7, 1977

The Honorable Alan Cranston
Room 229
Russell Senate Office Building
Washington, D. C. 20510

Dear Senator Cranston:

I am quite heartened by the fact that you are proposing legislation for subsidizing the adoption of special children. As a former public defender for over two years and as this state's administrator of the LEAA program in Massachusetts, it has been my deep conviction that the only remedy for giving every child an equal entitlement to the opportunities of American life is to insure that that child possesses permanent caring parents.

In Massachusetts, I have been exposed to "Downeyside", a program based on the belief that all children are entitled to permanent parents. The program, which has been modestly funded through Massachusetts' social service agencies, has reached out and taken children who are carelessly described as emotionally disturbed or delinquent. The program, which has its roots deeply in the community which it serves (Springfield, Holyoke, Pittsfield, etc.), attempts to place each child into a new home on a permanent basis and totally integrate the child into the community.

Downeyside has been attempting to gain a firmer fiscal foundation by obtaining subsidized adoption payments from state government. Massachusetts, which is presently facing a deep fiscal crisis, cannot meet that need despite the Governor's personal recognition of the value of the program. I think it would be very helpful for you and your Committee to hear from the founder of this program, Father Paul Engel, O.F.M.Cap., who resides at 1532 Bay Street, Springfield, Massachusetts 01109.

The Honorable Alan Cranston
Room 229
Russell Senate Office Building
Washington, D. C. 20510

April 7, 1977
Page Two

If you have any questions or if I can offer any other assistance in this matter, I would be more than happy to provide it.

Sincerely,

Robert J. Kane
Executive Direct[illegible]

RJK:mtp

cc/Senator Edward M. Kennedy
Father Paul Engel, O.F.M.Cap.

NATIONAL ACTION FOR FOSTER CHILDREN NAFC *N. H. Action Committee for Foster Children*

Convener: CHILD AND FAMILY SERVICES OF N. H.

51 Dover St.
Keene N.H. 03431
March 30, 1977

Senator Allan Cranston
Room 452
Russel office Bld.
Washington D.C. 20510

Dear Senator Cranston;
Our organization, The New Hampshire Committee for Foster Children, supports SB. 1593.

We would like to urge you to do all in your power to speed up action on this bill, and we would encourage you to vote in favor of this bill.

We have promoted an Adoptive Care bill for N.H. . This bill would give us a subsidized adoption plan. Our bill is currently in a N.H. Senate Committee, and we feel that the passage of 1593, would assure the success of our bill in the New Hampshire Senate.

Yours truly,
Barbara E Norton
(Mrs.) Barbara E. Norton, Chairperson
of Adoptive Care Bill ,comm.

99 Hanover Street — Manchester, New Hampshire 03105 — Tel. 668-1920

dare

THE DELAWARE VALLEY ADOPTION RESOURCE EXCHANGE OF THE DELAWARE VALLEY
ADOPTION COUNCIL/1421 ARCH STREET, PHILADELPHIA, PENNSYLVANIA 19102/(215) LO 8-5033

Adoptive Parents Group
Association for Jewish Children
Bucks County Department of Child Welfare
Catholic Social Services, Diocese of Camden
Catholic Social Services, Diocese of Philadelphia
Catholic Social Services, Diocese of Wilmington
Chester County Children's Services
Children's Aid Society of Pennsylvania
Children's Bureau of Delaware
Children's Home Society of New Jersey
City of Philadelphia, Department of Public Welfare
Concerned Persons for Adoption
Council on Adoptable Children
Delaware County Child Care Service
Evangelical Children and Family Service
Family and Children's Service of Lancaster County
Family and Children's Service of Lehigh County
Lutheran Children and Family Service of Eastern Pennsylvania
Lutheran Social Services of New Jersey
New Jersey Division of Youth and Family Services
Northampton County Children's Bureau
Pennsylvania Dept. of Public Welfare
Pennsylvania Dept. of Public Welfare, Southeastern Region
Planned Parenthood
Spaulding for Children
Tressler-Lutheran Service Associates
Welcome House
Women's Christian Alliance

April 22, 1977

Senator Alan Cranston
United States Senate
Room 452
Washington D. C., 20515

Dear Senator Cranston:

The Delaware Valley Adoption Council, which represents adoption agencies and adoptive parent groups in Pennsylvania, Delaware and New Jersey, is firmly in support of the Opportunities for Adoption Act of 1977 (S961) which is now in your committee.

We urge that you report the bill out of committee as quickly as possible so it can be acted upon during the current legislative session. There are thousands of children throughout the country whose futures depend on the bill's passage.

The Delaware Valley Adoption Council, which was formed five years ago to find homes for "children with special needs", has found that boys and girls, once considered difficult or impossible to place with families, can, indeed, be adopted. Incredibly, there are families who are able and willing to adopt children with such major problems as Down's Syndrome, sickle cell anemia, cerebral palsy, serious heart defects, blindness, etc. It is crucial to reach potential adoptive families, make information on waiting children available to them and offer financial subsidy when families cannot afford the child's care.

This Council is dedicated to the principle that no child should be denied consideration for adoption because of a "special need" that does not prevent him from living in a family. The Council believes it is the community's responsibility to seek out homes for children with special needs. With your help and support, we are optimistic that it can be done.

Thank you for your interest and your prompt action.

Sincerely,

Carolyn Johnson

Carolyn Johnson, Executive Director
Delaware Valley Adoption Council

CJ:MW

ASSOCIATION for JEWISH CHILDREN of PHILADELPHIA

YOU
help support
this agency through
YOUR UNITED FUND GIFT

A FEDERATION OF JEWISH AGENCIES — UNITED FUND CONSTITUENT

1301 Spencer Street, Philadelphia, Pennsylvania 19141 • Telephone: Livingston 9-9000

April 22, 1977

Senator Alan Cranston
United States Senate
Room 452
Washington, D.C. 20515

Dear Senator Cranston:

The Association for Jewish Children supports the Opportunities for Adoption Act of 1977 (HR5550) and urges its prompt passage.

We ask that hearings on this bill be set up as quickly as possible so it can be acted upon in this legislative session. We know that there are thousands of children throughout the country, now waiting for permanent families, that will benefit from the bill. It will make all the difference in the way they grow and develop.

Thank you for your interest and prompt action.

Sincerely,

JOSEPH L. TAYLOR, ACSW
Executive Director

JLT/be

JOSEPH SMUKLER, Esq.
President

[redacted]
Secretary

RICHARD J. BRAEMER, Esq.
Vice-President

SAMUEL L. FRIEDER
Treasurer

MRS. PAUL L. JAFFE
Vice-President

SEYMOUR KURLAND, Esq.
Chm. Exec. Committee

MRS. LEONARD WASSERMAN
Vice-President

HENRY F. MILLER, Esq.
Solicitor

ALLEN WEINTRAUB
Vice-President

JOSEPH L. TAYLOR
Executive Director

PARSONS CHILD AND FAMILY CENTER
FORMERLY
ALBANY HOME FOR CHILDREN
60 ACADEMY ROAD, ALBANY, NEW YORK 12208 • (518) 462-6686
462-6687

**Regional Adoption Program**

April 22, 1977

The Honorable Alan Cranston
Senate Office Building
Washington, D.C. 20515

Dear Senator Cranston,

We appreciate your efforts in moving the Opportunities for Adoption Act (S-961) out of Committee.

Enactment of this legislation is a long overdue step in the right direction for providing permanent families for over 120,000 American children without roots.

Our Program has demonstrated that adoption is one of the most cost effective services available in the child welfare field. (See enclosure.)

Respectfully,

Thomas Regan

Thomas Regan
President

TR:sc
Enc.

A demonstration project of the Parsons Child and Family Center (Albany Home for Children)
Funded by the New York State Department of Social Services through Welfare Research, Inc.

Family Center
60 ACADEMY ROAD ALBANY NEW YORK 12208 • (518) 449-8870
Austin A. Woodward
Edwin Millard
formerly
Albany Home for Children

February 24, 1977

Joint Health Committee
Budget Hearings

Regional Adoption Program Statement
ATT: Joanne Constantino

Dear Sirs:

The Regional Adoption Program has demonstrated that there are families for the children in waiting who can and will make a permanent commitment to these children. We are concerned that any cut in adoption monies means that these children will have to remain in long term foster care at enormous cost in monies as well as in emotional disadvantages to the children.

For example, during 1976 the Regional Adoption Program has demonstrated in a 17 county area around the capital region, that older and handicapped children can be moved from foster care into adoptive homes at the savings described below.

Program Results - January 1, 1976 to January 1, 1977

| | | | |
|---|---|---|---|
| 1. | Family inquiries | 253 | |
| 2. | Adoptive placements of "Hard-To-Place" children in Regional Adoption Program area | 72 | |
| 3. | Success rate for older child adoptive placements | 84% | |
| 4. | SAVINGS during the year in the Foster Board rate (subsidy and administrative overhead not calculated) for 26 cases with direct program involvement | | $ 45,636.00 |
| 5. | SAVINGS if these 26 children were in care until age 18 | | $710,268.00 |

In view of these results, we recommend strongly maintaining any monies available for adoption service, especially for older and handicapped children.

Respectfully submitted,
Thomas Regan
Thomas Regan, Director

The Regional Adoption Program is a demonstration project of the Parsons Child and Family Center and funded by the New York State Department of Social Services (Title IV-B Funds) through Welfare Research, Incorporated. It consists of two components: 1) a Regional Adoption Committee composed of staff from the 24 adoption agencies in a 17 county region, and 2) an interdisciplinary Regional Adoption Team which serves to assist the Committee in placing older and handicapped children for adoption.

**SPAULDING FOR CHILDREN - Beech Brook**

3201 EUCLID AVENUE • CLEVELAND, OHIO 44115 (216) 432-0025

**JOHN C. COWLES, ACSW**
*Director*

April 21, 1977

Senator Cranston
U.S. Senate
Washington, D.C. 20510

Dear Senator Cranston:

On behalf of the Staff and Advisory Council of Spaulding for Children-Beech Brook, an adoption agency serving only special needs children, I would liek to thank you for sponsoring the Opportunities for Adoption Act (S961).

If there is anything we can do to help move this bill along, please let us know.

Sincerely,

SPAULDING FOR CHILDREN-BEECH BROOK

John C. Cowles
Director

JCC/s

*Member of Family Builders by Adoption*

**CHILDREN'S BUREAU OF DELAWARE** 2005 Baynard Boulevard / Wilmington, Del. 19802
Telephone (302) 658-5177
Elizabeth S. Townsend, Executive Director

May 5, 1977

Senator Alan Cranston
United States Senate
Room No. 452
Washington, D. C. 20515

Dear Senator Cranston:

The Children's Bureau of Delaware supports the Opportunities for Adoption Act of 1977 (S961) and urges its prompt passage.

We ask that you report the bill out of committee as quickly as possible so that it can be acted upon. We know that there are thousands of children throughout the country, now waiting for permanent families, that will benefit from the bill. It will make all the difference in the way they grow and develop.

Thank you for your interest and prompt attention.

Sincerely yours,
Kathryn B. O'Donnell
Mrs. Edward T. O'Donnell
Chairman
Public Social Policy Committee

KO'D/js

Member Agency

**Branch Office for Kent and Sussex Counties**
12 N.W. Front Street · Milford, Delaware 19963 · Telephone (302) 422-8013

Mrs. Cynthia H. Burt, Pres./Howard M. Smith, First Vice Pres./Mrs. Irving S. Shapiro, Second Vice Pres.
Mrs. G. Carlton Dutton, Sec./Mrs. Edward T. O'Donnell, Asst. Sec./Herbert S. Why, Jr., Treasurer
George W. Forbes, III, Asst. Treasurer

CHILD WELFARE LEAGUE OF AMERICA
Accredited Member

MICHIGAN FEDERATION OF PRIVATE CHILD AND FAMILY AGENCIES

1035 North Washington Avenue Lansing, Michigan 48906
Phone: (517) 485-8552

April 25, 1977

Senator Alan Cranston
U.S. Senate
Washington, D.C. 20013

Dear Senator Cranston:

RE: SB 961 and HB 5550

We are in support of the Right to Adoption Act of 1977.

I represent the interest of some 30 adoption agencies in the State of Michigan who are members of the Federation of Private Child and Family agencies. We endorse the concept to which this legislation is speaking.

Although adoption proceedings have historically been a County and State matter, if these limitations stand in the way of a permanent adoptive home for a child, then it would be wonderful to have a Federal program that might be able to bridge the gap.

Although there are always exceptions, the type of subsidy being proposed would cost the Federal Government less by far than continuing to pay for the child's care in a foster family home.

If we can be of further assistance, please drop me a note.

Very truly yours,

Hudson J. Nyenhuis, Chairman
Federation Adoption Committee

hjn/ak

TO PROMOTE BETTER SERVICES TO CHILDREN AND FAMILIES
THROUGHOUT THE STATE OF MICHIGAN THROUGH THE MAXIMUM UTILIZATION
OF BOTH PRIVATE AND PUBLIC AGENCY RESOURCES

COUNCIL ON ADOPTABLE CHILDREN

OF GREATER PHILADELPHIA

Concerned about
the children who wait

P.O. BOX 14
GWYNEDD, PA. 19436

April 20, 1977

The Honorable Alan Cranston
United States Senate
Room No. 452
Washington D.C. 20515

Dear Senator Crqnaton:

The Coumcil on Adoptable Children of Greater Philadelphia supports the Opportunities for Adoption Act of 1977 (8961) and urges its prompt passage.

We ask that you report the bill out of committee as quickly as possible so that it can be acted upon. We know that there are thousands of children throughout the country, now waiting for permanent families, who will behefit from the bill. It will make all the difference in the way they grow and develop.

Thank you for your interest and prompt action.

Sincerely

Richard and Patrocia Caldwell

Co-presidents

COUNCIL ON ADOPTABLE CHILDREN

OF GREATER PHILADELPHIA

## ADOPTION INFORMATION

Philadelphia Area Agencies:

Association for Jewish Children
1301 West Spencer Street
Phila. Pa. 19116
215-LI9-9000

Bucks Co. Dept. of Child Welfare
Neshaminy Manor Center
Rte. 611, Doylestown, Pa 18901
215-DI3-2800
Newtown: Rte.332 & Terry Dr.
Newtown, Pa.18940
215-968-5871

Catholic Social Services
845 Haddon Avenue
Camden, N.J. 08103
609-541-2100

Catholic Social Services
222 N. 17th Street
Phila. Pa. 19103
215-587-3873

Catholic Social Services of Del.
1200 N. Broom Street
Wilmington, Del. 19806
302-655-9624

Chester Co. Children's Services
14 E. Biddle Street
West Chester, Pa. 19380
215-431-6473

Children's Home Society of N.J.
929 Parkside Avenue
Trenton, N.J. 08618

Children's Aid Society of Pa.
311 S. Juniper Street
Phila. Pa. 19107
215-KI6-2990

Children's Bureau of Del.
2005 Baynard Blvd.
Wilmington, Del. 19802

City of Phila. DPW
Div. of Social Services
City Hall Annex, Rm.900
Phila. Pa.
215-MU6-6062

Delaware Co. Child Care
Front & Orange Sts.
Media, Pa. 19063
215-891-2501

Lutheran Children & Family Services
2900 Queen Lane
Phila. Pa.
215-951-6850

N.J. Div. of Youth & Family Services
P.O. Box 510
Trenton, N.J. 08625
609-292-5268

Women's Christian Alliance
1610 N. Broad Street
Phial. Pa. 19121
215-CE6-9911

Tressler- Lutheran Service Assoc.
905 S. Beaver Street
York, Pa. 17403

Welcome House, Inc.
Box 562
Doylestwon, Pa. 18901

* * * * * * * * * * * * * * * * * * * * * * * *

FOREIGN ADOPTIONS(incomplete listing)

Information source:
Concerned Persons For Adoption
c/oKathe Welch
53 Far View Road
Rockaway, N.J. 07866

Holt Adoption Program
P.O. Box 2420
Eugene, Oregon 97402

David Livingstone Missionary Foundation
P.O. Box 232
Tulsa, Okla.

World Family Adoptions, Ltd.
5048 Fairy Chasm Road
West Bend, Wisconsin 53091

Kuan-Yin Foundation, Inc.
RR#1 Burlington,
Ontario, Canada

Welcome A Child
275 Jourdain Avenue
Dollard des Ormeaux, Quebec

Families for Children
10 Bowling Green
Pointe Claire
Quebec, Canada

*Criminal Justice Coordinating Council*
for the
**COMPTON JUDICIAL DISTRICT**

June 3, 1977

Senator Alan Cranston
452 Senate Office Building
Washington, D.C. 20510

Dear Senator Cranston:

The Criminal Justice Coordinating Council for the Compton Judicial District received a copy of your Bill (S961) and is impressed with the basic concept, goals and objectives set forth within it.

It is the most humane of the bills now being considered in Congress and we are in full support of it.

Respectfully,

Ovelmar Bradley
Ovelmar Bradley
Administrative Staff

OB:tq

809 EAST VICTORIA STREET • CARSON, CALIFORNIA 90746 • (213) 538-5472

UNITED STATES CATHOLIC CONFERENCE
**Department of Education**
1312 MASSACHUSETTS AVENUE N.W. WASHINGTON, D.C. 20005 (202) 659-6822

**Office of Field Services and Information**

June 15, 1977

Senator Alan Cranston
Chairman
Child and Human Resources Subcommittee
United States Senate
Washington, D.C.

Dear Senator Cranston:

Along with several other private organizations and agencies I am writing to you in support of Senate Bill S961 which is designed to promote the healthy development of children who would benefit by facilitating their placement in adoptive homes.

Agreeing substantially with testimony already submitted by the National Conference of Catholic Charities, I would look upon this child adoption bill as particularly helpful for thousands of children who at present are found to be especially difficult to place.

Encouraged by your efforts on behalf of many deprived children now awaiting adoption, I remain

Sincerely yours,

Donald Conroy

(Reverend) Donald Conroy
Representative for Family Life
United States Catholic Conference

DC/pb

**LUTHERAN ADOPTION SERVICES**
10811 Puritan • Detroit, Michigan 48238
(313) 864-4200

304 Tuscola Road
Bay City, Michigan 48707
(517) 892-1539

403 Eureka Ave. S.E.
Grand Rapids, Michigan 49506
(616) 458-9068

May 31, 1977

Senator Alan Cranston
Washington, D.C.

Dear Senator Cranston:

This letter is to inform you that the Advisory Committee of Lutheran Adoption Service recently discussed Senate Bill #961. We feel this Bill is most important and we strongly urge it's passage.

Since Lutheran Adoption Service is specializing in placing "waiting children", we feel this Bill will go a long way in helping to provide permanent homes and living situations to thousands of homeless children.

Sincerely yours,

Kenneth Bjork

Kenneth Bjork
LAS Committee Chairman
KB/ao

*A Project Of*
*Lutheran Social Services of Michigan and Lutheran Children's Friend Society*

FITZGERALD, ABBOTT & BEARDSLEY
ATTORNEYS AT LAW
1330 BROADWAY, SUITE 1730
OAKLAND, CALIFORNIA 94612
415 451-3300

JAMES H. ANGLIM
STACY H. DOBRZENSKY
JAMES C. SOPER
PHILIP M. JELLEY
JOHN L. MCDONNELL, JR.
GERALD C. SMITH
LAWRENCE R. SHEPP

LLEWELLYN E. THOMPSON II
RICHARD T. WHITE
JAMES R. LAMSDEN

H. M. FITZGERALD [illegible]
CARL H. ABBOTT [illegible]
CHARLES A. BEARDSLEY [illegible]

April 13, 1977

The Honorable Alan Cranston
Senate of the United States
452 Senate Office Building
Washington, D. C. 20510

Attention: Fran Butler

Re: Senate Bill No. 961

Dear Senator Cranston:

It was with great interest that I read Mary McGrory's syndicated column concerning your interest in the adoption of hard-to-place children which appeared on April 8 and 9, 1977 in newspapers throughout the country.

Aid to Adoption of Special Kids (AASK), a charitable, tax-exempt organization, was founded in your back yard in 1973 in Oakland, California. Its primary purpose is the promotion of the legal adoption of hard-to-place children by qualified persons within the State of California and elsewhere by conducting programs of public information, by defraying the costs associated with such adoptions where necessary and advisable and by acting as an adoption agency where properly licensed and by assisting in bringing together adoptive parents and qualified adoption agencies which have "special kids" where the organization is not yet licensed as an adoption or home finding agency.

AASK was licensed as a child placing agency within the State of Nevada in March of 1976 and is presently applying for a license as an adoption agency within the State of California.

As a member of the Board of Directors of AASK and its legal counsel I can advise you that AASK is aware of the many problems involving adoptions of hard-to-place children which your Bill seeks to remedy and is in agreement with most of the means by which you wish to accomplish those goals. I believe that AASK favors the local or regional approach versus a national hard-to-place child "clearinghouse" as being a more logical and efficient manager of human and financial resources.

Many of the individuals who are associated with the organization, either as directors or financial supporters, have themselves adopted many hard-to-place children. For example, Robert and Dorothy DeBolt, themselves the parents of six biological children, have in addition included in their family thirteen "special kids". A similar situation exists with Dean and Elsie Chapman who have also adopted numerous "unadoptable" children.

In my estimation, Bob and Dorothy DeBolt are two of the most enterprising, photogenic, totally accepted public speakers on the subject of hard-to-place children who are presently in foster care facilities that could be found within the United States. Their own personal story has been told recently in a book entitled "19 Steps Up The Mountain" by Joseph P. Blank which, I understand, has recently been accepted for publication in condensed form in the Reader's Digest.

I am enclosing herewith several Quarterly Newsletters of AASK in the hopes that you will soon see the similarity between the pusposes of your Bill and Aid to Adoption of Special Kids. What is important for your purpose now is to understand that what you hope to accomplish through the passage of your Bill is already being accomplished, in a small way, through dedication and self-sacrifice on the part of numerous people within the State of California and elsewhere who recognized there is no such thing as an "unadoptable child", but only one who has not yet been adopted.

Should you wish further information concerning Aid to Adoption of Special Kids, or concerning the views of those who have intimate knowledge concerning the adoption of hard-to-place children, please feel free to contact me.

Very truly yours,

FITZGERALD, ABBOTT & BEARDSLEY

By Llewellyn E. Thompson II

LET:ae
cc: Aid to the Adoption of
Special Kids
Mr. and Mrs. R. W. DeBolt

Enclosures

Pages 200-203 of original document contain copyrighted material not available for reproduction. "DeBolts Accentuate the Positive." Bambino; Winter 1977, p.24-27.

AASK ANSWERS
QUARTERLY NEWSLETTER OF AASK
(AID TO ADOPTION OF SPECIAL KIDS)
OAKLAND, CALIFORNIA
Volume 2, No. 1, 1977

*John and Ann Sweeney with 12 of their family of 15 children (in the left foreground is their "AASK" child, Colombian orphan, Maria Elsa, who is blind)*

## Fabulous Families-I . . .

*One of the "fringe benefits" we receive in working with AASK is to learn about so many interesting families who share our concern about Special Kids. Some of these families are single parents, some large families, some small and of course many with two parents and lots of adopted children. We thought you might be interested in learning more about these fascinating people so with this edition of the Newsletter we have started the series called "Fabulous Families." Each issue we will show a picture and have an article on a different "fabulous family." The article in this issue is about the John and Ann Sweeney family of Greenwich, Connecticut.*

The family institution is under attack today, in the eyes of the John Sweeneys of Greenwich, Conn., and they don't agree with that trend one bit.

The Sweeneys disagree so much that their family consists of 15 children, ranging in age from 2 to 24. Seven are natural offspring, four are adopted, one is in their legal custody, and three are foster children - only temporarily, hope the Sweeneys, who want to adopt them as quickly as some red tape can be cut.

"The family unit is a wise and wonderful way for people to live," Sweeney said. "Kids today unfortunately see themselves as members of contemporary society rather than belonging to a family. A family our size has achieved complete acceptance of one another and their parents so that they know they are human beings and can contribute much to each other."

John and Ann Sweeney don't think in terms of "our own children" and adopted ones. "They're all our children," Ann is quick to emphasize.

The family is interracial - there are four Vietnamese, two blacks and a Colombian.

The three oldest, born Sweeneys, are Randall, 24, Lynn, 23, and Christopher, 21, who have left home.

Next in age is Minh, a 18 year old Vietnamese refugee whose parents have disappeared. The Sweeneys have her custody and hope to adopt her, if and when the Vietnamese end of the red tape can be cut. Then there is Chuong, 11, a Vietnamese refugee whose foster care was taken over by the Sweeneys. With Chuong came his brother, Dat, 4, and sister, Huong, 2. Again, the Sweeneys would like to adopt if the Vietnam situation can be untangled.

There is Megan, 10, a natural Sweeney, and the Colombian orphan, Maria Elsa, who will be 10 next month, and is blind. Next in age is Jay, 8, born a Sweeney, and Marcus, who will be 6 in August, adopted. Following are the Sweeney born twins, Timothy and Patrick, 4, and two black children, Faith and Terrence, aged 3.

It was a miscarriage following Jay's birth that prompted the Sweeneys to adopt. The thought occurred to them both simultaneously.

"We wanted the baby awfully badly," Ann recalled, "and it dawned on us that there were a lot of babies around who needed a home. We had a home ready for a baby and we were ready for a baby."

They adopted Marcus, who was 6 months then.

"It was so thrilling, the most exciting thing," Ann said. "He was just a tremendous baby and we instantly asked to adopt another, but I got pregnant again and we put it off." When the twins, Timothy and Patrick, were 9 months old, the Sweeneys adopted Faith, who was then 6 weeks old.

"We still had lots of parenting to do, so we did it," Ann said. "We felt we would be paying back in kind for the many things we'd been given in the way of children."

They became interested in adopting hard-to-place mixed-race and minority children, children who really need parents, she said.

(Excerpted from the New York Sunday News, article by Gus Dallas)

AASK vividly recalls its communications with the Sweeneys and the determination of this remarkable family to persist in its desires to adopt, no matter what obstacles. Their concern for the future of Maria Elsa, and for all children, is beautiful testimony to the kind of family AASK is privileged to serve.

AASK would appreciate hearing from any "Fabulous Family" who would like to share their stories with our readers. Not more than 500 words and a black and white photo, please.

## AASK Chapters . . .

Contra Costa County, California

The Agape' Chapter is alive and well in Contra Costa County. The major upcoming event is the March 18th Benefit Performance of "New Moon", the Spring Production of the Diablo Light Opera Company – 8:30 curtain at the Walnut Creek Civic Theater. All proceeds going to AASK of course. The show is being directed by two of the Bay Area's finest little theater artists, Rhoda Klitsner and Nico Snel, and I, one of the "Golden Oldies". Tickets may be obtained by contacting either Marian Volberg (415) 283-3308 or Patti McClain (415) 376-1997. Tickets are $6.00 each and include a champagne reception.

The Agape' Chapter welcomes response from anyone interested in joining the group or perhaps just learning more about their work. While fund raising has been an important facet of their work, it is not the only thing the Agape' Chapter is involved in. They contribute to the work of AASK in a three-fold manner – financially – spreading the word about AASK – and a direct involvement with the families – Agape' members give piano lessons, tutor, etc. If you are interested in learning more about this fine group, please call Peg Jones, Membership Chairman, at (415) 284-7872.

Michigan

We have an ongoing book sale which the publishers have been very good about giving us a discount. As a matter of fact I would like to get a printed list of books still available out to other AASK parents who might be interested. If they included a small donation for postage it would help.

We hope to have a parents meeting this month. At that meeting we plan to discuss holding an open house for social workers, concerned groups and interested possible parents. I think one of our main concerns at this point is to add to our growing awareness of the need for adoption for all "waiting children".

We also have some very strong feelings regarding the labeling of our children as "foreign", "out of state", or Michigan kids. There is a very strong negative attitude directed toward anyone who goes out of Michigan for a child. We are making advances in this area especially in private sector. I'd like to see some good changes in this area within the state social services structure.

We are also still working on our Michigan Resource List for parents of handicapped children. We have gathered names of doctors, hospitals, children services, educational services under our Mich. Mandatory Act, and names of adoption groups and agencies. We have found a terrific brace man at University of Michigan Hospital who is designing braces out of lightweight plastics.

We are also trying to formulate a list of toy manufacturers and stores that have "special" things for our special kids.

## Report from Nevada- AASK in Las Vegas . . .

As usual, great things are happening in the great state of Nevada. Since AASK began a licensed adoption agency in that state, the following placements have been made:

1. Jay-Jay, a 15-month Oglala Sioux and Black infant with parents who are also Indian and Black.
2. Jason, a Black infant. Parents – 1 Black – 1 White. Placed from hospital in Northern Nevada.
3. Ricky, age 9. Bilateral hearing loss – wears hearing aids – testing as moderately retarded – aggressive. Adoptive mother has MA in Special Education. Eight Foster Home Placements since 1970.
4. Cleah, age 9. Sexually abused by father. Neglected – emotionally disturbed. Three Foster Home Placements and Child Haven.
5. Chuck, age 12. Extreme neglect – emotionally disturbed. Bright child. In Foster Care three years, one month. Five placements.

Of the placements made, four were from the original list of applicants when AASK was still a volunteer group.

In addition to these placements, the Las Vegas office has assigned 19 cases for study and two updates. Seven of these home studies and two of the updates have been completed. Of the five children placed in homes, four of these children were in the custody of Nevada State Welfare. One child was placed through a Jewish Family and Children's Services, Phoenix, Arizona. Ninety-six parents have applied for adoption in Las Vegas with AASK. That probably sets some kind of record for a new agency, and particularly, one who specializes in children of special needs. The entire staff headed by Joyce Moore has done a fantastic job and are totally dedicated to finding permanent homes for special children.

## Special Announcements . . .
## Honorary National Chairperson of AASK

We are pleased to share the following news release with our readers.

"Nancy Reagan (Mrs. Ronald) has accepted the honorary national chairmanship of AASK (Aid to Adoption of Special Kids), an organization which helps bring together handicapped children with adoptive parents.

Mrs. Reagan will head a national fund raising drive for the four year old foundation which is based in Oakland, California. It was founded by Robert and Dorothy DeBolt, themselves parents of 19, including 13 "special kids."

"To learn the story of Bob and Dorothy DeBolt and their wonderful family, including those healthy, happy 'special kids', is to be inspired to want to do more," Mrs. Reagan said on accepting the appointment.

"Not so many years ago, children with physical, emotional and mental handicaps and those from mixed racial background, older adoptive children and sibling groups were simply thought to be 'unadoptable'. The DeBolts, and thousands of other adoptive parents of such youngsters are today leading the movement to change that. So, instead of such children facing years of growing up in institutions, they are beginning to find homes and families and love," she added.

A.A.S.K.'s Las Vegas, Nevada, branch is a licensed adoption agency, specializing exclusively in adoption of "special kids". During her husband's terms as Governor, Nancy Reagan was an active leader in supporting the Foster Grandparent Program which brings together single elderly people with institutionalized retarded children."

* * *

Fund raising is the "necessary evil" of all non profit, publicly supported organizations such as AASK. And what a continuing burden it is! We are very, very appreciative of Mrs. Reagan's offer to assist in that difficult area of raising money to keep AASK operating.

## Chapman's Column . . .

### AND NOW FOR THE LIGHTER SIDE OF THE NEWS

We all agree that too many Special Kids desperately need to be adopted, and that many Special Adoptive Parents are often frustrated by not being able to find their Special Child. Once the magic happens and parent and child are united funny things often occur.

We would like to share with you some of the comments made about adopted kids by onlookers who are sometimes bewildered by what they see. We hope you will send us your favorite comments about the adoptive scene. We approach this subject, firm in the belief that one should treat serious matters with humor, and humor seriously.

When newly adopted (Japanese plus) Julie was a baby, a six year old friend studied her carefully and with great concern asked, "Will she speak Chinese when she grows up?"

A young admirer looked wide eyed at Danny's leg braces and exclaimed with awe, "Do you have Bionic legs?"

Post polio children can do tricks with their legs that would put a contortionist to shame, so we find ourselves constantly saying, "Danny, stop chewing your toenails!!!!"

People overhearing this admonition worry about us.

I suppose every adopted child has been told, "But you don't look adopted."

And every freckled-faced White Anglo Saxon mother who has ever adopted a child of a different hue has been told in all seriousness, "The child looks just like you."

Time and time again well meaning friends ask of parents who have both biological and adopted children, "How many children are yours?"

One is tempted to reply, "They all go back to Hertz when we leave the airport."

One adoptive parent we know was told with great authority, "But don't you know that no one can love more then eight children?"

Elsie and I are often told, "You don't look like the parents of twelve children, you're so relaxed."

Relaxed? We're exhausted!!!

## Report From Mary . . .

As this issue goes to press a nine year old girl is arriving in San Francisco. Her name is Margaret and she calls an institution home. Margaret was born with a large tumor covering much of her face. Although the tumor has been removed she reamins in obvious need of further cosmetic surgery. Margaret is also considered retarded and has no understandable speech. She had surgery last year to make an eyelid for her. She likes to hug and be hugged.

Margaret is one of the countless children who await the love and permanence of an adoptive home. Margaret's caseworker and the adoption exchange on which she is listed have made concerted efforts to find a family for her, as has AASK.

Last year, a young woman came into the AASK office to volunteer her help. In looking through the various books containing pictures and descriptions of available children, she kept returning to Margaret's picture. Since then, she has inquired monthly – hoping each time she would hear that Margaret has found a home.

Last month, she felt Margaret had waited long enough. AASK put her in contact with Margaret's worker who was delighted to hear from someone who shared his concern for Margaret's future. While the young woman called plastic surgeons, child psychologists, neurologists, etc., in California arranging for medical and psychological evaluations for Margaret, the caseworker arranged for the necessary permission, paperwork, etc., which would enable Margaret and him to travel across country.

No one knows whether the medical team will be able to help Margaret. And there's no guarantee that the young woman who is so concerned about her will be allowed to adopt her. But she is willing to do whatever she can that might help make Margaret more "adoptable" to others. Who can criticize that kind of motivation?

## Adoption-A View from the Inside . .

*We recently read the delightful book described on the following page, "Is That Your Sister?" which reminded us that too often the only view of adoption is that presented by the parents and the social worker. Seldom do we have an expression of the effects of adoption on those who are the vital part of the process – the children themselves. Shari Chapman is a 14-year old adopted daughter of AASK Board Members, Dean and Elsie Chapman. Shari was an older child when adopted and has agreed to let our readers hear firsthand about how she feels about her adoption:*

"Just the other day I was talking to a friend and somehow the subject got onto foster homes and adoption. After telling about my 6½ years in five different foster homes and finally getting adopted by a family I both love and respect, my friend mentioned that he was in a foster home right now! Then he told me about a couple of other people both he and I knew. Sure enough these people were in foster homes too. To top that off they were my age.

That started me thinking about my past experiences with my friends and I suddenly realized that some of them were in foster care at the same time I was. I never even gave much thought that there are actually about 350,000 children in foster homes in the United States. I thought about my biological brother Perry who is seventeen years old. He has been in approximately eight foster homes and one institution in [illegible] period of eight years. He still is in foster care right now. Then I finally thought about myself in foster homes.

I went into foster care when I was 6½ years old. I was 13 years old when I got out. As I was growing up I went from home to home. Every time I came into a new home I wondered if my new family would like me or not. Also if I would have a lot of friends at my new school. At my school I was always afraid of getting close to someone or joining a club because I wasn't sure if I would be there the whole year. I always remember being insecure. In fact I sucked my thumb from when I was a baby until I was ten years old. I was jealous of everyone who had a family they could call their own. Everyone would say how they have known so and so for years and years. Boy, I was lucky if I knew someone for 6 months! For a long time it seemed like no one cared if I lived or died. I went into my third foster home and stayed there for almost 3 years. While I was there I had an old, sort of raggity, sweater that I absolutely loved. I didn't care what I wore to school so I asked my foster mother if I could wear it to school that morning. She said that the only reason I wanted to wear the sweater was that I wanted everyone to feel sorry for me because I was in foster care. She called me "Poor Little Foster Girl Shari".

Do you think I liked being in foster homes? I hated it! Most of all I hated it when people would give me special attention just because I was a foster child. I had a Social Studies teacher in 7th grade who gave me good grades just because I was a foster child. I'm sure people meant well when they were extra nice to me, but it embarrassed me more than anything else. It also kind of put me on the spot with my friends. They wondered why I got better grades than they did when we both did the same things. Thing is, though, I didn't realize this until it was too late to do anything about it all. If people weren't good to me then they were mean. Let me tell you I've been locked out of houses and had dirty filthy rotten tricks pulled on me too many times.

I have to admit that at the end of my foster care I had a few Social Workers that really tried to help me with my problems. They taught me how to open up and air my feelings. They were the ones who helped me find the right home to be adopted into. They went out of their way to do special things to make me happy. I owe a lot to them because if it weren't for them I wouldn't be here learning to love and respect the people around me. Now I can say I have a family of my own and know that it comes straight from my heart."

* * *

*Gretchen Hartman is the 15-year old daughter of Bill and Darlene Hartman and lives in Laguna Hills, California. The Hartmans, like the Chapmans, have a large family and Gretchen would like you to know what it feels like to have new adopted brothers and sisters join the family.*

"When we first heard that we were getting two new children to add to our "family collection", we were all really excited! Peter (7) was so excited that every day we would hear him mumble, "They won't be here for a thousand years, I'll bet." Pete had reason to be excited, Sam (our new five-year-old) was to be Peter's first little brother. And Mali was the first baby girl in almost 16 years!

We children spent the whole day in suspense, just waiting for Mother and Daddy to bring Sam and Mali home. About half an hour after their plane was due, we got a phone call from them, saying that the plane from India was late! We almost went bananas! But when they finally got home, we thought that the wait was worth while.

At first, Sam was really quiet, but as soon as he started learning a little English, we heard what he had to say. My mother had learned a little Hindi (Sam's language) to make things easier for Sam. She asked him, "In America, (and she would name something), in India, what?" Sam only understands simple English. Soon Sam would say things like the word for "nose" was the word for "ear". He'd get a laugh out of it and so would we. Sam's only problem is that he had polio and it affected his legs, so right now Sam can't walk. But he's working on it. He can stand alone as long as he's leaning on something. We're really proud of him!

And now on to Mali! Mali is a beautiful baby girl of a full 13 months, but she also has one problem. Mali has no legs as such. The bones in her legs are next to each other, instead of being one on top of the other. The doctors can do things for Mali, so one day she may even run!

Both Sam and Mali are darker children; Sam is much darker than Mali, though. Sam could pass for a Negro, and Mali looks Italian. Both Sam and Mali have dark, curly hair, which really pleased my parents (we have two blondes, 7 various shades of brown ranging from very light to very dark and my father's hair is light brown and my mother's hair is the only other dark, curly one in the bunch). So they fit right in!

Because Sam can't walk, he finds it difficult to let off steam when he gets angry. So he takes hold of his ankles, picks up his legs, and bangs them on the floor. The first time I saw him doing it, I thought I was going to die laughing. I never thought about how someone would let off steam if they couldn't use their legs to run to their room. At night when Pete and Sam go to bed, we can always – without fail – hear Sam singing Pete to sleep. On nights when "nothing is going right" we can always hear someone of us say, "Why did we teach him to sing?" (He's not only good – he's loud!)

We didn't need to teach Mali to sing – she already knew how, and always shows us in the middle of Mass. She's a wonderful singer, if only we could understand the words.

We absolutely LOVE having Sam and Mali and are glad to have this way of letting everyone know it."

* * *

*Michelle (Mimi) Atwood is the biological daughter of Dorothy and bob DeBolt. Adoption has been as much of a way of life for Mimi as it has for the DeBolt's and as it was Mimi's late father, Ted Atwood. Mimi was seven years old when her first adopted sibling joined the family. Since than another 12 adopted children have been added. The following letter was written by Mimi when she was 22 in response to a request of a social worker. The DeBolts were wanting to adopt Sunee, an American Caucasian 5-year old paralyzed from polio. The social worker was very concerned about whether the children already in the family would be willing to accept the child and to "share their inheritance" (assuming there would be one) with a newly adopted child. This was Mimi's response to the social worker's request.*

"My parents have spoken many times of their desire to adopt another young child. Before the death of my father, Ted Atwood, both he and my mother voiced a desire to take in a child whose health was impaired in some form or another. When my mother and my present father, Mr. DeBolt, were first informed of the possibility of adopting a young Korean-American handicapped girl, I was one of the first to know. I was as thrilled and delighted as they. I too felt fortunate that we had been given the opportunity to, in our small way, reach out a hand in love to mankind.

Sharing is one of the strongest and most positive ideals to come out of my upbringing. We always shared at home. As far as sharing any inheritance, there can be no question in my mind. I feel it an affront to me and my parents to even mention sharing legal inheritance rights. Our inheritance has taught us just that - to share. And how can you measure an inheritance of love?

My mother and father are two of the finest people in the world. They are a rare breed. They are human, very human, and they enjoy that condition to the utmost of their abilities. They laugh with us, they laugh with each other, and they laugh with life. Yet they are profoundly religious in the finest sense. They share their loaf of bread with the hungry. Certainly they have given fully of their bread of life to me and they continue to give more with each new split they make in the loaf.

I am lucky to have such parents as mine. Any child who comes into their home will be fortunate to feel the warmth of their love even for a short while. I fully approve of any new young one they wish to take in. I will welcome any and all with open arms as brother and sister.

Let it be known that I give a hearty and unconditional stamp of approval to my parents in this new act of love."

# Glad You AASKed . . .

## What's New?

A delightful fund raising event was held for AASK as a part of the grand opening of the Crafts Center at the Marketplace in Emeryville, California. The theme of the event of course was "Crafts." Many celebrities donated some of their own handicrafts which were then auctioned off with all proceeds going to AASK. Among those donating their creations were Vic Bergeron (Trader Vic's), Charles Schulz, creator of Peanuts, Singer Giselle MacKenzie, former Governor Ronald Reagan, the Bing Crosby family, to name a few. Many thanks to the owners of Emeryville Marketplace and their manager, Joseph D'Alezzio, public relations consultant, Patric Corman, and the Marketplace staff.

Dewey Bargiecchi, owner of Francesco's Restaurant in Oakland, for the second year in a row will hold a St. Patrick's Day party benefitting **AASK**. Last year's event was a real smash, complete with Irish singers, Irish dancers, corn beef and cabbage and (yep, you guessed it) Irish Coffee. Last year's luncheon was a sell out, and we expect this year's event to have the same popularity. Anyone interested in attending should contact Francesco's Restaurant on Hegenberger Road, Oakland.

* * *

The DeBolts had a nice Christmas surprise by being sent an original copy signed by Gerald Ford of the Family Week Proclamation. We hope to print the entire text of the proclamation in the next Newsletter for it is extremely pertinent to all families everywhere. The framed proclamation hangs in a place of honor in the DeBolt's family room.

* * *

While on the promotion tour for the new book on their family, "19 Steps Up The Mountain" by Joseph P. Blank, published by J.B. Lippincott, Bob and Dorothy DeBolt appeared on the Lee Phillip TV Show in Chicago, Ill. During the show an effort was made to find foster parents for a beautiful little boy named Chris. The DeBolts were told that no family had been found, and although the child could be freed for adoption, no adoptive family had been sought. Within one week, the DeBolts, through Director of Referrals, Mary Bohan, were able to report 4 AASK families who were interested in the adoption of Chris. The Illinois agency was delighted, and time alone will tell the hopeful happy ending to this story.

* * *

## Books You Should Read

Adopting Children With Special Needs, edited by Pat Kravik, is, in our opinion, the best book yet on this important subject. The articles and photos reflect with great sensitivity and awareness the personal experiences of people involved in the entire spectrum of adoption. Order it through NACAC, 6 Madison Ave., Ossining, New York, 10562. It is a gem!

* * *

Is That Your Sister? by Catherine and Sherry Bunin is a delightful portrait of current adoption. In this family there are two young sisters who do not look alike. The older girl, Catherine, has to explain her family and her factual account of the adoption experience is comfortable for children of all ages to hear. Catherine, six years old, relates to such experiences as what social workers do, going to court, big brothers and little sisters, why her biological parents could not keep her, and what coming into a family is like. Sherry Bunin is Catherine's mother. This book, published in 1976 by Pantheon Books, is a quality addition to any home library. Quoting an expert on children's books Yvonne Heyman, 3½–"Is that your Sister? is my friend. We keep each other good company."

* * *

FOREIGN ADOPTION RESOURCES is a volunteer, non-profit effort whose purpose is to help those involved in the adoption processes from foreign countries. Research is conducted into sources, and findings are made available in Report on Foreign Adoption. The Report is published yearly and is sold for $3.00. Since this is FAR's only source of income, it cannot be sent until payment is received. Monthly updates are available upon request at no additional charge.

The 1977 issue covers 32 agencies and knowledgeable parent groups, and giv[illegible]mation on 21 countries. To our knowledge, this is the only [illegible]ation of its kind - with all available information "under one roof". FAR is a member of the North American Council on Adoptable Children, and agrees to follow the guidelines set forth in "The Practice of Inter-country Adoption" as developed by the Joint Council on International Children's Services from North America. To order the book, or for more information, write to Foreign Adoption Resources, 911 Cypress Drive, Boulder, Colorado 80303.

*...who could resist such "special kids"?*

## Caseworkers of the Month . . .

Special recognition goes to the following adoption case workers for their extra efforts on behalf of children of special needs:

Carolyn Goodridge
Maine Children's Home
Waterville, Maine

Janet Brooks
WACAP
Port Angeles, Washington

## Points to Ponder . . .

When we see progress made by agencies and parents in finding homes for "special kids" we sometimes forget the magnitude of the unsolved problems. The following statistics speak for them-[illegible] . . . . .

- Now in the U.S. more than 380,000 children live in foster homes or institutions.
- Approximately one third of them - - 120,000 will probably never return to their biological parents and are, or could be, freed for adoption.
- 56% of abandoned children - - those who have been given up and are legally free for adoption - - are still in foster care after 5 years.
- Although foster care is intended as a temporary measure, a child is likely to stay in care for 4 to 6 years and to change foster homes 2 to 3 times.
- The longer a child stays in foster care the less likely he is to be adopted or to return to biological parents.
- Dramatically fewer babies are available for adoption today than a decade ago, yet only 4% of the children placed for adoption in 1971 were over 4 years old.
- The great majority of children available for adoption are too often considered "unadoptable" or "hard-to-place" because they are too old, from minority backgrounds, have physical or mental handicaps or are part of sibling groups. This labeling [illegible] makes the agencies responsible for these children unwilling to attempt adoptive placement.
- In the U.S. foster care now represents the largest single item of child welfare expenditure on the county level.
- Foster care costs range from $3000 to $5000 a year, and annual institutional costs begin at $8000 and soar to over [illegible].
- A recent New York City study projected the cumulative cost of maintaining one child in foster care from age 4 to 18 at a minimum of $60,000.
- An entire childhood spent in institutions can cost several hundred thousand dollars.
- At present adoption is the most cost-effective service available in the child welfare field.
- Typically the cost of placing a so-called "hard-to-place" child is about half that of one year in foster care. Moreover, it is a one-time, not annual, expense.
- The average adoption subsidy (financial assistance to a low or middle income family which enables adoption of a child with special medical or psychological needs) is $50 to $175 a month, a tiny fraction of institutional or even foster care costs.
- Caseloads are very large in the social service field. Usually a social caseworker will have 50 to 150 clients and, particularly in large metropolitan areas, there is as much as 100 percent annual turnover. This results in "backburnering" and children "getting lost in the system."
- Current studies indicate that former foster children show up in prisons and on welfare rolls at many times the general population rate. In both quality of life and dollars, this constitutes a substantial "secondary cost" to society as a whole.

## SIXTEEN WAYS TO KILL AN ORGANIZATION

1. Don't attend meetings, but if you do, arrive late.
2. Be sure to leave before the meeting is over.
3. Never have anything to say at meetings; wait until you get outside.
4. When at meetings, vote to do anything, then go home and do nothing.
5. The next day find fault with your officers and fellow members.
6. Take no part in the organization affairs.
7. Be sure to sit in the back so you can talk things over with another member. Nobody will notice.
8. Get all the organization will give, but give nothing in return.
9. Talk cooperation, but never cooperate.
10. Never ask anyone to join the organization.
11. Threaten to resign at every opportunity; tell others they are standing for too much.
12. If asked to help, always say you haven't time.
13. Never read anything pertaining to the organization. You might find out too much.
14. Never accept an office. It is much easier to criticize.
15. If appointed to a committee, never give any time to the committee. Let the chairman do it all.
16. Don't do anything more than you have to and when others willingly and unselfishly use their ability to help the cause, howl because the organization is being run by a clique.

---

*Anyone who wishes further information should write to AASK, P.O. Box 11212, Oakland, CA [illegible], phone Mary Bohan (415) 451-1748. AASK is a non-profit publicly supported organization. Cont[illegible] be made to AASK at the above address. All donations are tax deductible.*

---

AASK
P.O. BOX 11212
OAKLAND, CA 94611

NONPROFIT ORG.
U.S. POSTAGE
PAID
OAKLAND, CALIF.
PERMIT NO. 3762

AASK ANSWERS
BI-MONTHLY NEWSLETTER OF THE AASK THE DEBOLTS FOUNDATION
(AID TO ADOPTION OF SPECIAL KIDS)

OAKLAND, CALIFORNIA

MARCH/APRIL 1975

## Meet Mary

That soft, sweet voice you hear when you call the AASK office, and those beautifully typed letters you receive on AASK letterhead originate with Mary Bohan. Mary's voice is not always that sweet or that soft. Her fury knows no bounds when special children and potential adoptive parents are kept from one another for totally unacceptable reasons. On the other hand, there is no greater joy for Mary than successful placements by licensed adoption agencies working cooperatively with AASK.

Mary is responsible for many "special kids" finding families through her special efforts for AASK. There is no question about her worth. MARY IS OUR UNEXPENDABLE OF EVERY MONTH OF EVERY YEAR!

## We Believe—The Adoptive Parent Can Change the System

How does a qualified and well-meaning parent cope with a caseworker who makes a sperm count a prerequisite for talking to a parent who wants to adopt a physically handicapped child – or preaches to a parent that adopting a child of special needs will take away from his biological children – or tells a couple to go home and have their own children – or recites (with relief) an outdated and arcane regulation that single parents cannot adopt – or insists that "children of that type aren't available" – or says that they're sorry, but the agency can't make any priority in home study for the family who wants to adopt a severely handicapped child whom no one else wanted (and probably never will)? We could devote the entire issue of this newsletter to reciting such demeaning and unrealistic responses potential adoptive parents have received from caseworkers and adoption agencies.

Unfortunately, most people aren't aware that they don't have to accept such responses from either agencies or caseworkers. Far too often, caseworkers state their own beliefs and prejudices which do not necessarily reflect those of the agency – and agencies sometimes attempt policies that are inconsistent with state regulations or, in the case of private agencies, contrary to the goals of their Board of Directors. Every caseworker has a supervisor and the supervisor has someone who supervises him – all the way to that Board of Directors, or the governor's office.

It's so easy and natural to become intimidated by officious caseworkers that most of us forget that they need not be the final authorities and that the door to the Board room or the governor's office is always open to us. Obviously, it's not that simple. It takes time, determination and guts! But, if the present wrongs are to be corrected, we are the ones who must do it. The adoptive parent is the "consumer" in the adoption scene and has the power to make tremendous changes in existing policies, either singularly or with others through organized adoptive parents groups. Most importantly, all of us have the responsibility to demand that adoption agencies have responsive and progressive policies and employ ethical and concerned caseworkers. We have that obligation to ourselves as adoptive parents, our adopted "special kids" and to those children whom they might adopt in succeeding generations.

# Glad You AASKED . . .

## Who's New?

Just a few of the "special kids" and their new AASK families. . .wish we could name them all. . .

**DOUGIE**, cerebral palsy, from Illinois, to single parent, Kathie Hutchinson, Iowa.

**REBECCA** and **RENETT**, Korean twins, blind, to Gervais family, Illinois.

**HEINER**, East Indian, deaf, from Canada to Becker family, Nevada.

**TRACY**, cerebral palsy, from Illinois, to single parent, Jim [illegible], California.

**PETER**, arthrogryposis (and 14 years old), from Vermont to Ripley family, Washington State.

Three families registered with AASK are now in Tunisia "picking up" their babies. . .The Grimm family, California, returned with their baby daughter, Ann, and the Dunn family, California, is expected home soon with their twin daughters.

## What's New?

*stimulating. . .*

January 24 meeting with Orange County Adoptive Parents Association, caseworkers, supervisors, etc., from Southern California Children's Home Society agencies. . .good, caring people, all of them.

Television appearance, speech, Phoenix, Arizona, February 4. . .fantastic adoptive parents, dedicated caseworker, Lois Tuchler. . .We shall return!

*palpitating. . .*

Beautiful Valentines Day get-together with our AASK Chapter in Las Vegas, sweethearts all. . .frantic schedule of TV, radio, media assignments interspersed with adoption agency meetings. . .pace left us pooped. . .head of Latter Day Saints Adoption Agency, Wes Matheson, lovely man. . .wants us to speak in Utah. . .so do we. . .we plan return trip to meet with Nevada governor. . .and Elvis Presley! (See Nevada Chapter activities). . .

*titillating. . .*

Letter from the east. . ."May I help AASK? I've had experience. . .I've worked for the local Retarded Ass. for some years". . .she'd be perfect for our office staff. . .

*frustrating. . .*

The small response to the State of California's letter accrediting AASK, sent to the 83 licensed California adoption agencies. . .our highly criticized home county of Alameda did send us a polite response. . .next month's newsletter will inform you of how many children and/or families they ask AASK to help. . .

*exhilarating. . .*

The growing number of agencies and workers contacting AASK from throughout the U.S. asking for help in finding families for their children with special needs. . .and. . .even in finding children for their approved families. . .

We left for Michigan, February 21. . .46 degrees and cloudy at San Francisco Airport. . .landed in Lansing, Michigan. . .46 degrees and sunny! . . .our woolies stayed in suitcases. . .addressed 3-day seminar sponsored by EMU Sociology Department for foster parents. . .gained new awareness of foster family's vital role. . .

Dean and Elsie Chapman, AASK Board members, took up the gauntlet at California Citizens Adoption Coalition conference February 28 through March1 in Marysville, California. . .Chapmans are champions! . . .so is Pat Cochran, League of Adoptive Parents Services (conference hosts). . .

Art Finley KGO Radio Talk Show, March 11. . .we let it all hang out for the 14 Western state listeners with representatives of California State, Children's Home Society, Alameda and San Francisco County Adoption Agencies. . .

*humbling. . .*

National Freedoms Foundation Award. . .honorary membership in Council for Exceptional Children. . .appointment to Interagency Committee for legislation for Exceptional Children. . .appointment to Crippled Childrens Services Advisory Board. . .Symbolic Black Cat presentation from San Francisco Press Club. . .

---

## Certain Absurdities...

Any adoptions worker, anywhere, anytime, refusing a couple's application for adoption because they are capable of having children of their own!

****

Add insult to absurdity. . .any adoption worker's request for a sperm count from any adoptive applicant. Invasion of privacy can be grounds for a law suit. No adoptive applicant need respond to such a request!

****

Nevada State adoption agencies admit to a total of approximately 20 Nevada children available for adoption at any given time. Some 300 people have applied to adopt. Nevada will not consider suggesting children for them who are out of state. . ."We must place our Nevada children first"!!!

****

Workers' statements. . ."Yes, they do sound like a fine adoptive family, but this child is doing so nicely in her foster home, we don't want to move her"!

****

*(Continued)*

Any worker refusing to place any Black child over 12 with a caucasian family when no Black family has appeared on the adoptive scene!

****

The Arizona law which denies foster parents from adopting!

---

## How AASK Helps

Among the many questions we receive, one has been: Whom does AASK help more – agencies or families? We would like to answer this question: AASK can be of equal help to both families and caseworkers.

AASK has had the pleasure of dealing with what we consider "beautiful" caseworkers. These are men and women who are not concerned with following "cut and dried" procedures – they are people concerned with finding loving, adoptive homes for the children in their caseloads. The caseworkers to whom we refer are those who do not hesitate to consider large families, single parent homes, parents who themselves are handicapped, "older" parents, working mothers, etc., as possible resources. They are willing to talk directly with families, answering detailed questions that a family may have about a specific child. They are fully familiar with the various types of financial aid available for a child with handicaps and they share their knowledge with the families realizing that many families are discouraged from adopting a child with special needs because of financial limitations. These are the caseworkers who maximize the chances of a "difficult-to-place" child finding a family.

*How AASK Can Help Caseworkers and Agencies.*

Any licensed agency who wishes assistance in finding a home for a difficult-to-place child is encouraged to contact AASK. There is no fee. Caseworkers are asked to send as much information about particular children as possible and a picture. Information is confidential and caseworkers are free to use pseudonyms if they prefer.

Upon receiving information about a specific child, we search our files and when we find what appears to be a suitable "match", we contact the family and send them a brief description of the child. If they are interested, we then put the child's caseworker in contact with the family's worker. However, AASK has no intention of becoming bogged down in the mire of bureaucracy, and different arrangements can be made if a caseworker so prefers. AASK feels that there are too many children who are not placed because of inflexibility. After the caseworkers have made contact AASK steps out of the picture, having served its role of intermediary. In the event that the family and child in question are not suitable, AASK resumes its search. Once a placement seems likely, caseworkers and families are free to inquire about the various types of financial assistance AASK can give. In no way does AASK usurp the vital roles of the caseworker and agency. Actually, it enchances their roles in that it gives them a greater area from which to draw families for whom they can't find children in their immediate vicinity since we hear about children available throughout the United States as well as overseas.

*How AASK Can Help Families:*

In the period of one year, since AASK was founded, we have been contacted by hundreds of single and two-parent families, all of whom are interested in adopting children who are considered "difficult-to-place". These include children who are "older" (10 and over), children of minority or mixed races, sibling groups, children with various physical handicaps (cerebral palsy, spina bifida, paralysis, congenital heart defects, missing limbs, blindness, deafness, deformities, etc.) as well as medical handicaps (diabetes, hemophilia, epilepsy), and children with mental handicaps which include a wide range from the "slow" child to the profoundly mentally retarded. All of these children are adoptable! AASK hears from families each month, all of whom want these children to join their homes.

Single parents and couples who are interested in children described here are encouraged to contact AASK. Upon receiving your intial letter of inquiry, we will send an AASK form which we ask you to complete and return to us. Approximately 50% of the completed forms we receive are from families who have completed home studies. 25% are from people who have applied to agencies but have been told "there are no children available". The others are from people who have been hesitant to apply to licensed agencies because they have been told that there are no children available, or that a family must be wealthy to adopt, or must be unable to have biological children in order to apply.

After receiving a family's completed AASK form (which is extremely simple, short, non-commital and free) we send a list of licensed agencies in their area of the state through which they may apply for a home study if they do not already have one completed. At this point, we make it very clear to the applicants that should their agencies not have available the type of child in whom they are interested, we will be happy to help them and their agency locate such a child through another licensed agency. AASK also works cooperatively with licensed agencies handling adoptions of children from overseas. Some overseas agencies have indicated that they are willing to give priority to families registered by AASK who are interested in children with special needs. AASK is here to help and encourage parents to adopt children with special needs and we welcome all inquiries.

## Financial Help For Special Kids

Because AASK is so very interested in providing incentive and encouragement to prospective adoptive families, a vital part of our program lies in helping families financially through our Aid to Adoptive Parents Program. AASK can help in:

1. Payment of attorneys' fees for adoption. AASK also knows of attorneys in some areas of the country who are willing to offer their services at a reduced rate or on a gratis basis.
2. Payment of medical and dental fees not covered by public agencies or insurance.
3. Payment of certain transportation costs including fares for out-of-state or out-of-country adoption placement as well as cost of taxis to medical appointments, etc.
4. Payment of fees for therapy and psychological treatment which is not otherwise provided by schools or agencies.
5. Funding of programs to develop natural talents of "special" children (e.g., tutoring, music, creative arts instruction, etc.)
6. Financial assistance to help offset the soaring expenses of special education.
7. Special clothing and related personal equipment necessary to a special child's well-being.
8. Modifications to the adoptive parents' home to accommodate special equipment such as wheelchairs, etc.
9. Post adoption counseling of parents and/or their "special kids".

The Social Security Act of 1935 provided each state with [illegible] to establish a "Crippled Children's Program." Initially, the program was established to provide help for only the orthopedically handicapped. However, since that time, the program has been expanded to include, virtually, any condition which may handicap a child – physically or mentally. Treatment is available to biological as well as adoptive children. Although the names of the various States' agencies vary, in most cases, parents can obtain more information about whether their children, or the children whom they hope to adopt are eligible for the program by writing their State Department of Health and/or Welfare, Crippled Children's Services Division, State Capital. AASK has available the specific addresses of each state agency and can give them to families if they are not otherwise able to obtain them. In some states, monthly subsidies in addition to medical help are available to families adopting "special" children. Caseworkers, agencies, and families should be aware of the many resources that are available and no family should be deterred from adopting a special child because they are unaware that there is help available to them. And in those areas where Crippled Children's Services can't help, most likely, AASK can!

---

## AASK Advisory Board

AASK is extremely grateful to those individuals who serve on the Advisory Board. Because of limited space, we are listing just a few of the members in this issue. Following issues will contain the names of the others.

Richard Bancroft, Esq.
San Francisco, California

Evelyn M. Berger, Ph.D.
Oakland, California

Ms. Ann Brebner
Brebner Agency
San Francisco, California

The Honorable, M.P.
Congressman Phillip Burton
San Francisco, California

Mr. and Mrs. Dean Chapman
Concord, California

Mrs. Linda Dunn
Riverside, California

The Honorable Lt. Governor
Mervyn M. Dymally
Sacramento, California

Mrs. Jane Edwards
Executive Director
Spence-Chapin Adoption Service

Dr. and Mrs. Robert Fortie
Kuan Yin Foundation, Inc.
Burlington, Ontario, Canada

Mr. and Mrs. Ted Lee
San Francisco, California

Ms. Geraldine Lange
KGO-TV
San Francisco, California

Miss Irene Manning
San Carlos, California

William [illegible] McInnes, S.J.
President
University of San Francisco
San Francisco, California

Mr. and Mrs. Wally [illegible]
Pleasant Hill, California

Rev. Spurgeon L. Mayfield
Berkeley, California

Thomas Moore, M.D.
San Francisco, California

Mr. Arthur R. Flegal
Councilman, City of Piedmont
Piedmont, California

Mr. Charles Filson
Adoption Coordinator
Springfield, Illinois

The Honorable Secretary
of State March Fong Eu
Sacramento, California

Mr. and Mrs. Ray Goman
San Francisco, California

Mr. Peter Hannaford
Deaver & Hannaford
Oakland, California

Seymour Harris, M.D.
Oakland, California

Miss Susan Harris
San Francisco, California

Phyllis Kaplan, Ph.D.
Hayward, California

Mr. John Korty
Korty Films, Inc.
Mill Valley, California

Rev. Monsignor Michael D. O'Brien
St. Joseph's School for the Deaf
Oakland, California

Mr. Murray Narell
Oakland, California

The Honorable Senator
Nicholas C. Petris
Fremont, California

Ms. Karna Small
KGO-TV
San Francisco, California

C.J. Wellington, M.D.
San Francisco, California

Honorable Consulate of Malawi
and Mrs. J. Anthony Winston
San Francisco, California

## Putting our Money where our Mouth is

During the past year, AASK has received many applications from families for expenses which could not be covered by Crippled Children's Services or other public or private agencies. The following list contains a few of the ways in which AASK has been able to help recently.

- Attorney's fee for adoption of a 9-year-old retarded boy in California.
- Transportation costs for a couple from Utah to meet their new daughter in Ohio.
- Adoption agency fees on behalf of a couple who adopted a child born without arms. AASK also paid transportation costs for the family to pick up their child in Southern California.
- Attorney's fees for the adoption of sibling group of three children of Mexican and Indian descent.
- Tuition for an adopted child with a learning disability to attend a special school.
- Electric wheelchair for a severely handicapped child in Washington State.

## More Help for Single Parents

AASK has recently heard from a woman in Washington, D.C., who can be of help to single parents. She has information on children who are available from India and will be happy to share it with other single parents. Write to: Kathy Sreedhar, Council on Adoptive Children, 2562 36th N.W., Washington, D.C. 20007.

## Caseworker of the Month

AASK is extremely impressed with caseworkers who are sensitive to the needs of special children and who diligently work to find homes for them. For the month of February, AASK is pleased to award Susan Bernard, Department of Children and Family Services, Montrose Office, Chicago, who, with AASK's referral, made an "emergency" adoptive placement in less than a week. James Fisher, of the Tulare County Adoption Agency, Visalia, California, certainly deserves our March award for the excellent work he has done in helping "special" children find loving adoptive homes.

## AASK Chapters

*Oakland-Piedmont (California)*

Saturday, May 3, members and friends are invited to a Polynesian buffet luncheon at Trader Vic's, Watergate (Emeryville). Music will be donated by Henry Bray of "Hanale and the Holo-Holo Hawaiians". Mr. and Mrs. George Croom have donated a "classic" Hudson which will be the raffle prize. AASK and its chapter members owe a very special thanks to Freddie Fung of Trader Vic's who is again giving his able assistance, as he did at AASK's mini-circus last November. Reservations for the luncheon are limited and must be made well in advance. Tickets are $7.50 and can be obtained by writing to: Mrs. George Rose, 21 Sanborn, Orinda, California 94563.

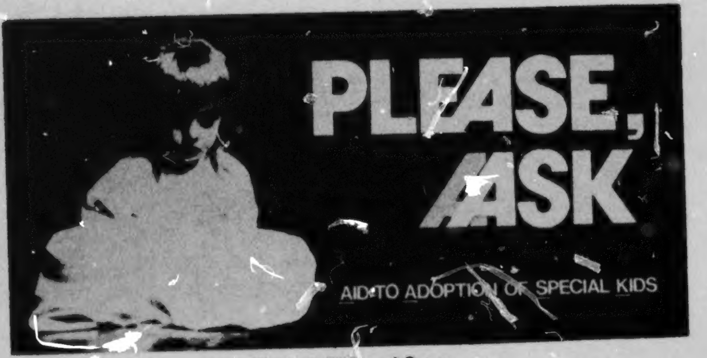
*Contra Costa (California)*

Members and friends are invited to attend "Philadelphia Story", performed by the Dramateurs on April 4 at the Lafayette Town Hall. Champagne will follow the performance after which Bob and Dorothy DeBolt will give a brief talk. Tickets are $5.00 and may be purchased from Carolyn Jackson (415) 254-2411. An evening group for couples or those members who cannot attend daytime meetings will have its first meeting on March7, which will include a "potluck" buffet. The group will meet at Carolyn Jackson's home. Margaret Allen (935-2564) can be contacted for further information.

*Las Vegas (Nevada)*

AASK in Las Vegas sponsored a Wine Tasting as its first fund-raising event and raised more than enough money to pay for their round-the-clock message recorder. They have received over a hundred calls a month after having used only one major television station for their public service announcements. By next month, AASK billboards should appear, created by Dick Hunsley. . . a special thanks to him! Thanks to the efforts of Carolyn Grover and Camille Bowman, Elvis Presley has chosen AASK in Las Vegas as his charity booth to help in raising funds to help "special kids" find loving Las Vegas families. Jean Tussum of the "Elvis Special" fan club in Pacifica, California, has offered her groups' help in manning the booth. Bumper stickers, similar to the billboard signs should be available soon.

Anyone who wishes further information should AASK THE DeBOLTS, P.O. Box 11212 Oakland, CA 94611, or phone Mary Bonan [illegible]-1748. AASK is a non-profit publicly supported organization. Contributions can be made to AASK at the above address. All donations are tax deductable.


PLEASE, AASK
AID TO ADOPTION OF SPECIAL KIDS

**Wanted: Billboard Space**

This is the billboard you'll soon be seeing in the San Francisco Bay Area of California and in Las Vegas, Nevada – thanks to the donated art work and printing obtained by AASK in Las Vegas. The billboard space in these two locations has been given to AASK by concerned outdoor advertising companies. If *you* can acquire the standard size sign space, AASK can send the printed material to the billboard company. This could be a worthy project for your local service club.

AASK
P.O. BOX 11212
OAKLAND, CA. 94611

OAKLAND CALIF.
APR 11 '75
U.S. POSTAGE
.010
1231210

AASK ANSWERS

BI-MONTHLY NEWSLETTER OF THE AASK THE DEBOLTS FOUNDATION
(AID TO ADOPTION OF SPECIAL KIDS)

OAKLAND, CALIFORNIA SEPTEMBER/OCTOBER 1975

## AN ADOPTED ANGEL

*Sally is a "special kid". She is the daughter of [illegible] and Diane Bernett of Carpinteria, Calif. Diane is the new Southern Calif. Area Coordinator for AASK.*

*Courtesy of Kurt Bruce*

## AASK NEEDS HELP!

We of AASK now find ourselves at a plateau of accomplishment far beyond our wildest dreams! Our growth has been rapid and phenomenal! As a consequence our funds are almost completely depleted! We need help and we need it now!

One year ago we were begging to learn the whereabouts of adoptable youngsters with special needs. Today, AASK is inundated with photos and case histories of "special kids" and requests for our assistance in locating adoptive families. These come from adoption agencies and individual workers throughout the U.S. and abroad.

One year ago, we were receiving a steady stream of letters from potential adoptive parents of "special kids". This has grown to the point where our files are flooded with more than a thousand applications.

Since May of 1974, AASK has suggested over 300 children to families. More than 200 of these families have said "yes" to children whose handicaps have included deafness, blindness, cerebral palsy, spina bifida, amputeeism, paralysis, Down's Syndrome, retardation, etc. Bringing the children and parents together via their respective licensed adoption agencies is the very essence of what AASK does.

Requests for financial aid to facilitate these adoptions have more than doubled in the last six months. AASK continues to meet every legitimate request, but when you realize that many requests for financial aid come to more than $1000.00 per application, the imbalance between funds received and funds expended becomes readily apparent.

AASK receives no governmental aid and relies solely on contributions from private citizens such as yourselves for our financial support. We now find ourselves at a desperate state in which the growth of AASK's services is in no way matched by the funds in our coffers.

We hope this notice will call public attention to our present dilemma, and inspire further public support. Fund raising in any way, shape or form, must be a first priority at this time if AASK is to continue to function meaningfully.

A family in N.Y. is in the process of adopting a blind 8 year old. They cannot proceed without financial aid from AASK.

A single parent is adopting a Down's Syndrome child from another state. Interstate transportation costs are prohibitive. AASK should pay them.

A couple wants to provide very necessary orthodontia and speech therapy for their adopted son. No other agency will cover it. AASK should.

These are but a few of the hundreds of families who turn to AASK for help for their "special kids". The prospect of curtailing this, or any other program of AASK assistance due to a lack of funds is a source of great current concern to us!

AASK feels a moral responsibility toward adoptive families and their children of special needs. We must help them. With God's help and yours, we can and we will!

All contributions are tax deductible and should be addressed to:

AASK the DeBolts
P.O. Box 11212
Oakland, CA 94611

*Joyous DeBolt Family reunion [illegible] late August, 1975, with all 19 kids, Dorothy, Bob, and Grandmother DeBolt.*

*Courtesy Kurt Bruce*

## Facts and Fallacies on the Foundation and Its Founders

**FALLACY**
Dorothy and Bob DeBolt are extremely wealthy, with a foundation created from family fortunes.

**FACT**
"Bob and I consider ourselves the richest people in the world, but certainly not financially. We both came from families of average income and our own is only slightly above that."

**FALLACY**
The DeBolts live in a huge mansion with an enormous staff of servants.

**FACT**
"We live in a large, "falling apart" house with a full staff of Bob, the kids, and me. We have never had help with the children and the few cleaning people we get quickly develop glazed expressions and quit."

**FALLACY**
It must cost the DeBolts a fortune for those corneal transplants, braces, prostheses, etc.

**FACT**
"It costs us nothing. When one knowingly adopts a handicapped child, all medical expenses relating to that handicap are paid by Crippled Children's Services. Without that assistance, we could not afford to adopt the severly handicapped children we have. This is available to all adoptive parents of such children".

**FALLACY**
AASK is supported by governmental aid.

**FACT**
"AASK (Aid to Adoption of Special Kids) is a non-profit, publicly supported, tax-exempt organization. It receives no governmental assistance and is supported fully by contributions from the public.

**FALLACY**
AASK has numerous salaried personnel and anumber of offices.

**FACT**
"AASK began in our garage, converted into an office. Its phenomenal growth forced addition of outside office space, rented in early 1975. I still retain the office in our home from which I work. We strive constantly to keep overhead down so funds might be delegated to the most important areas of need. We have only three salaried personnel. They are one full time director of referrals, one part-time secretary, and one part-time director of volunteers. Bob and I each put in some 20 to 30 hours a week and are, of course, completely unsalaried. There are also varying numbers of volunteers who help the office staff."

**FALLACY**
Your AASK Newsletter is so fancy, we figured AASK was rolling in dough.

**FACT**
"We have deliberately sacrificed in other areas, such as extra paid personnel, in order to provide an esthetically pleasing, stimulating and informative Newsletter. We hope we're succeeding. We have also planned that we would eventually put it on a subscription basis. Many readers have already indicated their willingness to participate. Therefore, future issues of AASK Answers will be available at the cost of $6.00 per year (starting January, 1976). See the back page for further notice and subscription blank."

**FALLACY**
The DeBolts have 152 kids.

**FACT**
"It only seems that way."

## A Certain Absurdity

We have limited this column of "Certain Absurdities" to only one, because we feel it represents the height of absurdity in adoption attitudes.

We received a highly critical letter from a California adoptions worker the latter part of August. She deplored our criticism of California Adoption Agencies as expressed in our Summer Newsletter. She stated, furthermore, that our "belittling and ridiculing" has turned her off so that she will no longer work with us. How sad! We have not ridiculed or belittled this person. In fact, she has heretofore sent us referrals and we have been delighted with her seeming interest in placement of "special kids".

We asked this worker for permission to print her letter in full in this Newsletter, stating that we welcome such expressions of rebuttal or criticism. She did not even give us the courtesy of an answer. Since she was willing to sign her name to the original letter, we are surprised at her unwillingness to support her statement publicly!

The absurdity lies in the fact that here is an adoptions worker who refuses to seek AASK assistance for her "special kids" because of her indignation over our legitimate right to criticize public agencies.

One cannot help but wonder where her values lie. It is the children who will suffer from her decision, not AASK.

In a future Newsletter, we will address ourselves to this subject in an editorial on the difference between personal and professional response.

* * *

*WE DO ASK THAT ALL PEOPLE WHO AGREE OR DISAGREE WITH ANY OF OUR POLICIES AS STATED IN THE AASK NEWSLETTER, PLEASE WRITE US, AND PLEASE ALLOW US TO PUBLISH YOUR VIEWS!*

---

# Glad You AASKed . . .

## Who's New?

There are so many "special kids" in new families, we can't name them all . . . . Here are some . . . .

Melody, a 2 year old from India, joins her new mother and sisters this month in California.

The Popps in Kansas are delighted with their new son, Lance, 3 years old.

Judy and Alan Prince (who head Michigan's AASK Chapter) were joined by a new daughter from Vietnam.

The Ray's of Arizona are keeping busy these days since their new children arrived . . . . a sibling group of three from Thailand.

Allison, a two year old from Pennsylvania, has a new mother in West Virginia. Allison is a Down's Syndrome child.

Larry Finlayson, a Black single parent, and son Michael (California) are rejoicing over their new daughter and sister, Nicolette, four years old.

Robert, 8 from Texas, has a new family in Northern California. This is the family's second transracial adoption.

Peter, a handsome 12 year old from Southern California, joined the Coronado family from Sacramento.

The Makinen's from Michigan have a new son and daughter, Dan and Nga from Vietnam. Dan is a post-polio paraplegic.

## Who's New? (Continued)

Nine year old Tanya, who was considered retarded at placement, has a new family in Northern California.

A Montana family is delighted with their new son, a two-year old Down's Syndrome child from California.

Thirteen year old David, from Wisconsin has a new family, including eight brothers and sisters, in Wisconsin.

---

## What's New?

### What Vince is Doing in Nevada

Vince Fallon isn't an ordinary office holder in a state regime. For that matter, Vince Fallon, isn't ordinary in any sense. So many times we've seen the "status quo" at state adoption agencies continued in spite of facts which demand change in the bureaucratic, archaic and lethargic methods by which some agencies operate. At the very best, changes come slowly – and unsteadily. Not in the southern district of Nevada, however! And not when they concern an area of Vince Fallon's responsibility.

It was only a year ago that a group of young, energetic and concerned people in Las Vegas contacted AASK with the usual question of "How can we help?". Our answer was "Through fund raising and progressive changes.". Their response was immediate and sometimes overwhelming. Our previous newsletters have described their unique and successful fund raising activities, but AASK in Las Vegas, has made its most important contribution, with the sensitive and progressive assistance of Mr. Fallon, as advocates for permanent homes for "special kids". Vince Fallon, as District Manager, State of Nevada Department of Welfare, is responsible for that department's activities in Clark County, Nevada. This area encompasses almost 60% of Nevada's population.

When AASK's Area Coordinator for Nevada found that the adoption scene in Clark County discouraged the adoption of children of special needs, refused to allow children to be placed from out of state, and denied any priority to families wanting to adopt "special kids", AASK in Las Vegas found its goal. Several meetings with agency authorities convinced us that existing state adoptions personnel would not change their approach. AASK then began compiling a factual list of grievances from Clark County residents. Mr. Fallon became aware of AASK and with Mrs. Jeane Boman, of the Nevada Board of Health, began conducting their own investigation of the state agency. Within 60 days personnel changes were made, and a different philosophy toward adoption of children in Nevada was begun!

In July, AASK began a cooperative program with the State of Nevada whereby AASK volunteer caseworkers conduct all home studies and recommend, with State approval, the placement of specific children for all families wanting to adopt "special kids". This program was developed by Mr. Fallon, as a means of expediting the placement of these children into permanent loving homes. Paul, a 9-year old deaf boy attests to the affect of Vince Fallon. This "special kid" and his new parents know that Vince Fallon is a "special person"!

## Kids for the AASKing

Two year old boy, (Cauc) Spina Bifida, needs a family who can give him love, attention and therapy.

Infant boy, Black, born without legs, needs two-parent Black family.

Sibling group of three (Black) girl, 13, boys 11 and 12, need a home, single parent acceptable. Caseworker feels these are really "neat" kids and they're doing well in school.

Five year old boy (Cauc), has Cerebral Palsy and brain damage. Single parent would be considered.

Five year old girl (Cauc) born with hydrocephalic condition, affectionate and inquisitive, needs a single or two parent family.

Two infant boys, both Chicano, are Down's Syndrome children. Single parent would be considered. (These are to be separate placements.)

The above children are a minute sampling of the thousands of children available. AASK is happy to refer caseworkers and families to agencies listing specific children.

## Parents who are AASKing

Families mentioned in the following paragraphs are but a few of the many waiting for a child with special needs.

*Midwest* . . .

Single woman (Cauc) mid 30's, 2 adopted children, would like another child, either sex, up to 12 years old . . . very open to any physical handicap.

*East Coast* . . .

Two parent family (Jewish) would like to add a son to their family, up to age 11.

*West Coast* . . .

Two parent family (Cauc) who has adopted transracially, would like a daughter, under six, any physical handicap acceptable.

Single woman (Black), mid-twenties, would like a daughter, under ten years old.

Two parent family (Cauc), late twenties, would like a child up to 12. They have no other children and are very open to physical handicaps and any race or sex is acceptable.

Two parent family (Black), no children, want sibling group, ages up to 10, acceptable.

Single male (Cauc), who has adopted transracially, would like a son or son/daughter sibling group. Will accept "slow" learners, most physical handicaps, and prefers that one child be five or under.

## Mary Bohan "Director, AASK Referral Program"

Because of the enormous increase in referrals of adoptable children to AASK, Mary Bohan, who has served ably and diligently as Executive Secretary, has now been made Director of this vitally important and expanding AASK program. We are particularly happy to make this annoucement because it is based upon a growing recognition by licensed adoption agencies of AASK's unique capacity to serve them and their children who wait.

## Caseworker of the Month

Because of these four caring people, the lives of many children and families have been enriched. These women are dedicated to the principle that all children deserve permanent, secure, loving families and go beyond the call of duty in their efforts to place "special kids" who are under their auspices. AASK salutes them all!

| | |
|---|---|
| **SUSAN POTTER** | Shasta County, California |
| **BETTY KEMMEL** | Los Angeles County, CA |
| **SUE MAY** | State Department of Public Welfare, Dallas, Texas |
| **PAT THOMAS** | State Department of Public Welfare, Dallas, Texas |

## AASK Chapters

**Contra Costa (California)** . . .

THE FIRST ANNUAL AASK PICNIC!

Everything they do shines with success . . . picnic on July 27, Redwood Regional Park . . . 170 AASK members and adoptive families . . . Children with birthplaces of Korea, Vietnam, Singapore, Tunisia, Thailand, New York, California, Texas, etc. . . . Children laughing, shouting, hugging, loving . . . Children in braces, wheelchairs, crutches flying, with sightless eyes, deaf ears, shrieking with joy at the antics of the marvelous clown, Clara (Irene Graff of Lafayette) . . . painting rocks, hammering nails, hunting pennies, racing in sacks, gobbling hotdogs, guzzling lemonade, chasing balloons . . . First annual "Brace Race" won by Sunee DeBolt, 8 . . .

Special thanks to Chairpersons Mrs. Rip Shumaker,
Mrs. Leslie C. Jonas

Arrangements: Mrs. Charles Froese
Crafts: Mrs. Fred Volberg, Mrs. Linda Fowler
Cooks: Mr. Rip Shumaker, Mr. Les Jonas
Balloons: Robert Price Family
Games: Mrs. Leslie C. Jonas, Mr. Dean Chapman

Coming up Oct. 11 . . . Wine tasting and art fair . . . at the Howard Gardens in Contra Costa County . . . beautiful three generation family estate . . . more later . . .

*The Long and the Short of it at the AASK Picnic*

*Courtesy, Kurt Bruce*

**Michigan** . . .

*Judy and Allan Prince AASKing in Michigan* . . .

Director of Volunteers for AASK, Marty Froese, off to Michigan July 28-31 . . . Hosted by Judy and Alan Prince, dynamic, inspiring adoptive parents . . . Speech to adoptive parents from Tecumseh, Warren, Livonia, Troy, Dearborn, Plymouth, Westland and Lansing . . . township Fair promoting AASK . . . Meeting with Michigan Department of Social Services, Vicki Rector, Michael Hall and Don Haviland . . . Session with Lynn Otzman and Beth Goebel, both involved with Juvenile Court actions . . . Fantastic widespread publicity on AASK in Michigan press . . . Flea Market and Plant Auction, two fund raisers planned . . . All Michigan folks hospitable, enthusiastic . . . AASK Chapters now being set up throughout Michigan . . . The Princes are "princes" among people . . . Thanks!

**Las Vegas (Nevada)**

See special article in this issue

## AASK Chapters (Continued)

**Campbell (Calif.)**

Jim Forderer, single parent of 7 boys, foster and adopted, is taking on an AASK Chapter. A horse show is planned for the near future . . . Great!

**Concord (Mass.)**

Mary and Dennis Taylor are planning a chapter in this lovely historic area . . . Beautiful!

**Indianola (Iowa)**

Kathie Hutcheson, single parent of an adopted cerebral palsied boy, is attempting to organize the entire state of Iowa . . . Fantastic!

**Menasha (Wis.)**

Shelby Lemke is organizing the first AASK Chapter in Wisconsin. This gal, also a single parent, can work miracles!

**Laconia (New Hampshire)**

Joyce Cummings: this dedicated teenager is setting up an enthusiastic AASK group there . . . Gorgeous!

**Southern California**

Diane Barnett is the new Southern California Area Coordinator for AASK and she is a dandy! One of this state's best known adoptive parents and crusaders, she is organizing a number of AASK Chapters throughout Southern California. Much more on this in the next newsletter . . .

## AASK Marty

*Questions from and about chapters . . .*

From Ohio . . . "any fund-raising ideas for our town of 26,000?"

A "Kitchens to Closets" house tour . . . choose homes with uniqueness and serve refreshments at the last stop . . . early Thanksgiving . . . everyone bring home-grown vegetables, home-made pies, breads, etc. for a Harvest Dinner or Farmer's Market . . . could be embellished with handmade gift items.

Or, how about a White Elephant Sale? Or a "Pioneer for AASK" evening at a local park or?. Square dance exhibitions, banjo band, casono for adults, pony rides and pony carts for the youngsters and old-time flicks. A buffet supper with children half-price . . . lots of Wild-West fun! Or organize a baby-sitting group with proceeds to AASK!

And of course, our Christmas card sale . . . any help is greatly appreciated.

## Meet Marsha

*Marsha looks beautifully serene. She usually is. She is also beautifully sensitive to the needs of "special kids" and her usual calm disposition is ruffled only when she has to deal with seemingly uncaring people. Marsha serves all kinds of secretarial services. You may find yourself talking to her on the phone or reading one of her letters. This efficient gal is really appreciated by AASK!*

## Special Cards Created By Special Kids!

Our AASK Christmas and note cards have just come out and we are very proud of them. Adopted "special kids" did all the art work, which makes them truly unique and special!

Four designs, 6 cards of each design, with Christmas greetings (total 24 cards per pack). $5.00 per package (donation for postage, please?). Note card is a serene scene exquisitely depicted by war wounded Vietnamese paraplegic son of the DeBolts. (24 in pkg., $6.00 per pkg.)

All these cards are available by writing and enclosing a check to AASK, P.O. Box 11212, Oakland, CA 94611, c/o "Marty". A descriptive brochure will be sent upon request.

## Special Thanks . . .

**Malcolm Nielson** of Evergreen Press spent absolutely endless hours on AASK Christmas Cards. Malcolm, you are a Christmas angel! Thank you!

**Melba Beals** is our longtime friend who does news for Channel 4, KRON TV. She is totally responsible for AASK having PSA's (public service announcements) running on all local television stations and some out of state. Without her help, the AASK "commercials", as our kids call them, would never have been. Thanks, Melba!

**Volunteers**, Joanne Buckley, Nancy Baker, Doris Hughes, Irene Henderson, Claudia Kriel, Elsie Hilbourn, Carolyn Atwood, Margaret Allen, Midge Schumaker, Peggy Jones, Carolyn Jackson, Marion Volberg, Pat Winburn, Mary Stack, Jane Hawkinson, Deborah Appleton, Fannie Gan and son, Arthur, Barbara Erlich and son, Doug, Joan Lautenberger, Frances Powell, Irene Barton, Wendy Ellis, Alice Gilman, Joan Heghey, MaryAnn Wright, Naomi Sims, Joni Welzcher, Patti McClain, Lafayette Bramlett. You all know what you do. AASK couldn't do without you! Thanks!

**Benefit Guild of the East Bay** Your help is so much appreciated!

**Women's Guild of the Orinda Community Church** God Bless you all!

**WE APPRECIATE . . .**

Dinner at Ray and Alma Goman's elegant Nob Hill apartment . . . Fund raising ideas from Bay Area leaders . . . Celebrity tennis? . . . Telethon? . . . Invitation from Jake and Nancy Hamon from Dallas, Texas . . . They're both charmers! . . . They're setting up a party in Dallas to introduce Bob and Dorothy and AASK . . . October 22-24 . . . meeting also with Dallas County adoption folks . . . Emily Friedman's constant assistance in all ways, notice on AASK Christmas cards in San Francisco Press Club Bulletin, etc. . . . you're a darling, Emily!

## Apology To Very Special Photographer, Mike Feeser

The Summer issue of our Newsletter showed a happy photo of Two, Lee and Trang DeBolt, as Lee left the Travis Air Force Base Hospital for her new Piedmont home. Mike Feeser took that excellent picture. He and Ruth Smith, Women's Editor of the Fairfield Daily Republic, have always gone that extra mile for us and AASK. Forgive us, Mike, for your credits not being given. Everyone should know your name!

## Special Announcements . . .

Barbara T. Tremitiere, a terrific lady who has a family of 14 children, 11 adopted, is a Placement Supervisor in the Adoption Services Unit of Tressler-Lutheran Services Associates, Inc., 905 South Beaver Street, York, PA., 17403. She will send any families with 5 or more children a free newsletter, "Because We Care So Much" every month, if you are interested. Hints, recipes, everything interesting to big families! Thanks, Barbara!

Deanna Cope, 5342 Keystone Dr., Fremont, CA 94536, can save folks money by doing legal-type typing for only $20.00 per adoption. Call her!

## Overseas Adoptions . . .

At the present time, the Tunisian government has stopped all foreign adoptions of Tunisian children. This ruling will be effective until, probably, some time next year when new legislation may make adoptions by U.S. citizens available. Notice will appear in "AASK Answers" at such time.

Families interested in adopting children from Thailand (some are "full" Thai and other Thai/Black) should contact Karen Ratliff, World Family Adoptions, 5048 Fairy Chasm Road, West Bend, Wisconsin, 53095. Single parents may want to inquire since, at this time, there are some non-preference visas available.

## AASK Asks Your Help . . .

Because of printing costs, postage, and most of all, the sums of money which AASK has used in helping parents financially, we find it necessary to, in the future, send "AASK Answers" on a subscription basis only. A year's donation for subscription and membership in "Friends of AASK" costs $5.00.

☐ Yes, please keep my name on the mailing list.
My check is enclosed.

☐ Please remove my name from the mailing list.

Name ______________________________
(as it appears on the mailing list)

Address ______________________________

City, State, and Zip Code ______________________________

(All contributions are tax-deductible)

*Anyone who wishes further information should AASK THE DeBOLTS, P.O. Box 11212, Oakland, CA 94611, or phone Mary Bohen (415) 451-1748. AASK is a non-profit publicly supported organization. Contributions can be made to AASK at the above address. All donations are tax deductible.*

AASK
P.O. BOX 11212
OAKLAND, CA 94611

Llewellyn E.Thompson II
Suite 1730
1330 Broadway
Oakland, CA 94612

AMERICAN PUBLIC
WELFARE ASSOCIATION
1155 SIXTEENTH STREET, NW. WASHINGTON, DC. 20036

Edward T. Weaver
Executive Director

Suite 201
Telephone: (202) 833-9250

April 13, 1977

The Honorable Alan Cranston
Chairman, Subcommittee on Child and
  Human Development
Senate Committee on Human Resources
United States Senate
Washington, D.C. 20510

Dear Senator Cranston:

We want to express our appreciation to you for your continuing activities--started several years ago--to keep before the Congress and the American people the needs of children.

We are pleased that S. 961 recognizes the value of the Interstate Compact on the Placement of Children which is now operative in 41 states. As we testified last session the Compact provides for pre-placement investigations and supervision of adoptive placements which is particularly crucial in assuring the rights of children placed in distant states. The Compact is one of many protections needed to assure that children will not be "lost" among state, court and agency jurisdictions. I commend you and encourage you to maintain the cooperative relationship between S. 961 and the Interstate Compact on the Placement of Children.

Your interest and action have focused attention on children who need permanent homes. This should help to rally support for strengthening programs which already exist by providing needed resources and legal authority.

Sincerely yours,

Edward Weaver

Edward T. Weaver

AMERICAN PUBLIC
WELFARE ASSOCIATION
1155 SIXTEENTH STREET, N.W. WASHINGTON, D.C. 20036

Edward T. Weaver
Executive Director

Suite 201
Telephone: (202) 833-9250

July 11, 1977

The Honorable Alan Cranston
Senate Human Resources Committee
U.S. Senate
452 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Cranston:

Recently we have been asked to differentiate between the Interstate Compact on the Placement of Children and what is proposed in this area by S. 961, the Opportunities for Adoption Act. We see no conflict or duplication between the Compact and what is proposed by S. 961.

The APWA is the Secretariat for the Interstate Compact on the Placement of Children. The Compact requires notice to the making of an interstate placement and the furnishing of certain information to the Compact Administrator in the state into which the placement is intended to be made. This affords opportunity for a home study to provide a basis for the Compact Administrator to ascertain whether the proposed placement would or would not be contrary to the interests of the child. Only if the proposed placer receives a notice from the Compact Administrator indicating that the placement does not appear to be contrary to the interest of the child can the placement lawfully be made. Other provisions of the Compact make clear the responsibilities of the "sending agency" (the placer) during the continuance of the placement.

The Opportunities for Adoption Act would provide grants to states in support of a variety of preplacement and placement services. These are especially intended to assist in placing children for adoption who are difficult to place because of handicaps and other factors. While the Compact provides safeguarding procedures applicable to interstate placements, including those of hard to place children, it does not provide substantive program services of the kinds mentioned in S. 961 to children placed within and among the states. Further, by protecting against displacement of the Compact or interference with it by any "uniform regulations" that might be issued pursuant to the authorization contained in the bill S. 961 assures that there will be no duplication or inconsistency between the Compact and the federal statute.

If you or your staff would like more information, please do not hesitate to call on us. Thank you.

Sincerely,

Edward T. Weaver

Edward T. Weaver

CHS

CHILDREN'S HOME SOCIETY OF CALIFORNIA
STATEWIDE SERVICES TO CHILDREN AND PARENTS SINCE 1891

STATE HEADQUARTERS
3100 West Adams Boulevard
Los Angeles, California 90018
(213) 735-1361

STATE BOARD
OF DIRECTORS
Officers
PRESIDENT
Dennis B. King
Woodside
FIRST VICE PRESIDENT
John F. Porter
Newport Beach
SECOND VICE PRESIDENT
Mrs. Alexander B. Ripley
Los Angeles
SECRETARY
Mrs. Peter B. Mitchell
Fallbrook
TREASURER
John M. Black, Jr
Menlo Park

Directors
Lawrence C. Annis
Bakersfield
Edwin W. Beach
Sacramento
Lewis F. Boddie, M.D.
Los Angeles
Mrs. Harold I. Boucher
San Francisco
The Rev. William Burritt
Davis
Mrs. William D. Clark
Newport Beach
Norman P. Courtney
Corona
Ms. Linda Dunn
Eugene
Mrs. Delia F. Ehrlich
San Francisco
The Rev. Lloyd F. Gebhart
Healdsburg
Paul S. Grande
Lakewood
Mrs. Beth B. Hall
Upland
Mrs. Robert C. Hamilton
Bakersfield
David B. Harriman
Arcadia
Mrs. John Kelleher
Corona del Mar
Mrs. Howard B. Lawson
Newport Beach
Alvin K. Link
San Marino
Clay McGowan
Chico
James K. Mitsumori
Pasadena
Thomas G. Moyers, M.D
La Jolla
Edwin N. Oetinger
Chico
Rudolph Ostengaard
Studio City
Robert B. Palmer
Santa Barbara
Donald E. Reed
San Diego
Mrs. Donald B. Richardson, Jr
Saratoga
Mrs. John J. Robotti
Carmel
Miss Delores Rodriguez
San Jose
Joseph Schmedding
Atherton
Sidney L. Sheffield
Bakersfield
Kenneth A. Sherer
Carmichael
William H. Simon, Jr
Beverly Hills
Leo G. Smith
Saratoga
Mrs. Robert L. Spence
San Mateo
L. David Tisdale
Santa Barbara
Mrs. Avery Tompkins
Carmel
L. Hunter Tracht
San Diego
Robert W. Vernon
Irvine
Robert W. Wahl, Ph.D
Chico

Richard O. Pancost, ACSW
Executive Director

May 4, 1977

Senator Alan Cranston
Senate Office Building
Washington, D. C. 20510

Dear Senator Cranston:

I am writing in regard to the bill you introduced, Senate Bill 961 "Opportunities for Adoption Act of 1977." While the Board of Directors has not officially acted on your bill, we have been concerned for many years with the adoption issues addressed in your bill. We particularly support the points discussed in the Spring 1977 issue of the Adoption Report of the North American Center on Adoption. A copy of this discussion is attached.

The Children's Home Society of California has placed over 39,000 children for adoption since 1891. I believe the comprehensive approach to adoption incorporated in your bill is sorely needed in the United States today. Adoption is fragmented not only between states but within states. The Society has been very successful in placing children in adoptive homes with handicaps, as well as older children with emotional problems. There are many more children living in limbo or at risk in need of permanent, loving homes. I sincerely believe there is an urgent need for federal leadership to give impetus to this. The National Office of Adoption is vehicle for bringing together all who are working towards the achievement of the many urgent means for identifying needs, establishing priorities, setting standards of services, providing for protection of children at risk, promoting and coordinating financing and in evaluating results.

May 4, 1977
Senator Alan Cranston

The Board of Directors will be taking action on Senate Bill 961 on May 24, 1977 and we will be communicating further with you after that date. If I may be of any assistance to you in this matter, please let me know.

Very truly yours,

Children's Home Society of California

Richard O. Pancost

Richard O. Pancost
Executive Director

ROP:fw

Encl-1

# LEGISLATIVE UPDATE

## Opportunities for Adoption Act Introduced by Senator Alan Cranston

On March 9, Senate Bill 961—Opportunities for Adoption Act of 1977—was introduced to the 95th Congress by Senator Alan Cranston (Democrat—California). If passed, this bill would provide *for the first time* massive federal funding specifically designated for adoption.

Let us look at some of the key provisions of the bill. It would:

- create a National Office of Adoption Information and Services within the Office of Child Development in HEW. A key function of this office would be to establish and operate a national information and exchange center which would facilitate the placement of greater numbers of waiting youngsters;
- make grants to states for full-scale, aggressive adoption services;
- provide funds to retrain social work staff in up-to-date adoption techniques;
- underwrite the expense of emerging service needs (preplacement counseling of parent and child as well as consultations and support after the adoption);
- encourage adoption by foster families when this would be in the child's best interest;
- offer subsidy to adopting families based on the needs of the child;
- establish a national data gathering and analysis process (to insure that not one child is lost in the system);
- provide grants to public and private non-profit agencies and organizations for research that would add to our knowledge of adoption.

The importance of this Act is clear to all of us who care about the children waiting for homes and families of their own. We also know that many children have grown to young adulthood as one after another piece of legislation has been introduced in past—and failed to pass the House and Senate.

There is little controversy over the issues involved here. Adoption makes sense in both human and fiscal terms. Nevertheless, a general apathy has caused this to be a low-priority issue with those who make our laws. We strongly recommend that you contact your Federal legislators—in their home offices—and let them know that the time for action is the present, and that you consider this legislation vital.

We hope this is the year for action. The Adoption Center's staff testified before the Senate Subcommittee on Child and Human Development on April 4, endorsing the major components of this bill. We urge all of you to become familiar with the legislation. Copies of the bill may be obtained by writing your own Senator or addressing a note to Senator Alan Cranston, U. S. Senate, Washington, D.C. 20510.

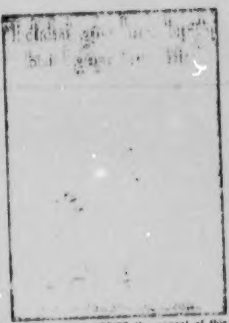
We are hopeful that this may be the year when more children will find they no longer have to wait. ■

This publication is issued quarterly by the NORTH AMERICAN CENTER ON ADOPTION, a division of the Child Welfare League of America, 67 Irving Place, New York, N.Y. 10003

**Elizabeth S. Cole**, Director

**Claire Berman**, Editor

© copyright 1977 North American Center on Adoption, all rights reserved. General permission is granted to reproduce material from this newsletter for non-commercial purposes provided this copyright notice is reproduced on all copies in accordance with the law.



**IT'S HARD TO RESIST** the appeal of this message—and that's the hope of the Illinois Children's Home & Aid Society, which developed this effective poster as an aid to recruiting black families. For added information, write to them at: 1122 North Dearborn Street, Chicago, Ill. 60610.

(cont.)

It isn't difficult to aggrandize our roles in the lives of foster parents. We're the professionals, they carry out our suggestions. But how frequently do we see the families? . for how long? . and don't many of them function adequately without intervention? Suppose the foster parents *are* older than we'd have liked. Should we not look to *their* extended family to see, if the need arose, whether anyone else might assume responsibility for the child?

What I am saying is that foster parents deserve our concern. We must help them sort out their feelings—aid them if they decide to adopt and support their judgment if they cannot make the commitment. But we must do this work before we play the adoption game in which, no matter the outcome, everyone loses a little bit.

Let us join in addressing this problem. We solicit your views and your suggestions, because we know that we must not lose applicants like Margot Sullivan. There *are* older children out there. Many ought to be adopted. ■

Blair Building
8007 Discovery Drive
Richmond, Virginia 23288

William L. Lukhard
Commissioner

~~[illegible]~~
~~Deputy Commissioner~~

COMMONWEALTH of VIRGINIA
DEPARTMENT OF WELFARE

April 13, 1977

The Honorable Senator Alan Cranston, Chairman
Subcommittee on Child and Human Development
U. S. Senate Committee on Human Resources
4230 Dirksen Building
Washington, D. C. 20510

Re: "Opportunities for Adoption Act of 1977"

Dear Senator Cranston:

I am writing this letter, to you and your honorable colleagues who are concerned about Human Resources, on behalf of eleven hundred and seventy foster children in Virginia who are available for adoption. Most of these youngsters are over six years old by now and many of them have already waited several years or more to be adopted. They cannot afford to postpone their "Opportunities for Adoption" another three years or more, as was proposed by the Assistant Secretary from H.E.W. at the public hearing for S961 which I attended on April 4.

The older these children get, the slimmer their chances of finding the new families they need. Over 500 otherwise adoptable children in Virginia have some form of physical or mental disabilities which require continuing treatment or special services, and would involve considerable expense after legal adoption, when they will no longer be eligible for Medicaid, Supplementary Security Income, or other federally-funded assistance programs unless their adoptive parents are financially indigent. Virginia agencies cannot afford to make subsidy payments out of state and local funds alone to meet these costs after legal adoption without some assistance from the Federal Government.

S961 proposes the only logical solution to this dilemma for Virginia and other states by providing for continuation of federal funding, as well as state and local appropriations, to subsidize the cost of treatment and services for preexisting conditions after legal adoptions, thus removing the temptation to keep children in foster care just to retain their eligibility for medical assistance programs. In addition, S961 proposes federal assistance to states with the cost of adequate prenatal care and services to unmarried mothers, who have otherwise been strongly tempted, and sometimes exploited, by unscrupulous persons to "sell" their babies to the "black market" for adoption without benefit of appropriate services to the children or parents concerned. In each of the above proposals, S961 includes safeguards to insure that the federal assistance provided will be used only to supplement, not to supplant, the level of State and local funds. The establishment, for the first time, of a much-needed mechanism, within the HEW structure, for inter-state collaboration and coordination of child welfare services, including a national adoption information exchange service and tracking system for children, as proposed by S961, should further reassure any "doubting Thomases".

I hope that this presentation of Virginia's needs will be helpful to you and your congressional colleagues in securing passage of this vitally important bill. We cannot afford to lose the "Opportunities for Adoption Act" on its third try this year—we have kept our children waiting too long.

Please feel free to call upon your friends across the Potomac if we can be of further support or service to your committee, in person or in writing.

With continued appreciation for your perseverance as an advocate for all of our children,

Most sincerely,

Neville B. Weeks

(Mrs.) Neville B. Weeks,
Program Specialist
Agency Placements for Adoption

NBW/cbb

**Director of Charities**
**Catholic Diocese of Arlington**

~~SUITE 280~~
~~310 LITTLE FALLS STREET~~
~~FALLS CHURCH, VIRGINIA 22046~~
3838 North College Lane
Arlington, Virginia 22203

841-2543
(703) ~~[illegible]~~

April 4, 1977

Senator Alan Cranston
R S O B, Room 229
Washington, D.C. 20510

Dear Senator Cranston,

I want to add our support for S.961. This much needed federal legislation has the potential to move children from a twilight zone of institutional and other types of foster care, where too many children preceive themselves "as nobody's nothing", to the more desirable "full fledged" member of a family status.

We are very much impressed with the varied provisions of S.961 that protect and respect the rights of children. We are also impressed with the supports for health and medical assistance which are provided for the needy expectant mother.

In the Commonwealth of Virginia there are over 1000 children in foster care who are legally free for adoption but aren't being placed because they are so called, "hard to place" because of age, race or medical problems. Most of these children are black or mixed race. The fact is, that if more funds were available to educate the public as to these children's need for permanent homes; aggressive recruiting of families; staff to study homes; effect placements, and do the necessary supervision, then this scandalous situation could be corrected. Incidentally, subsidized adoption is a part of correcting this problem (I understand that in all of Virginia there were only two subsidized adoptions last year). From my reading of S.961 funds would be available to the private, as well as the public sector to recruit adoption homes for children such as those mentioned above.

The national standardization of adoption procedures, the blow to the grey market (which we hope will be fatal), interstate adoption provisions, the National Office of Adoption Information and Services, and the many other features of this bill are viewed positively by us.

We applaud this landmark effort in adoption and want you to know we encourage your efforts and will support S.961.

Sincerely in Christ,

Frank J Hendrick
Rev. Msgr. Frank J. Hendrick
Director

FJH:eh

cc: The White House

**WHITE, FINE & VERVILLE**
ATTORNEYS AT LAW

PHIL DAVID FINE
LEE C. WHITE
RICHARD E. VERVILLE
ROBERT J. SANER II
JAMES J. MURPHY
GOLER TEAL BUTCHER
THOMAS L. BLACKBURN
PETER VAN*
RALPH I. FINE*
ROBERT F. SYLVIA
ARNOLD M. ZAFF
ROBERT L. CAPORALE*
GENE A. BLUMENREICH
ANNA M. DIGENIO*

*ADMITTED TO MASS. BAR ONLY

1156 Fifteenth Street, N.W.
Washington, D.C. 20005
(202) 659-2900
CABLE ADDRESS WHITEACRE WASHINGTON, D.C.

FINE & AMBROGNE
133 FEDERAL STREET
BOSTON, MASSACHUSETTS 02110
(617) 482-0100

MANUEL B. MILLER, OF COUNSEL

April 8, 1977

Senator Alan Cranston
Chairman
Subcommittee on Children
 and Youth
Committee on Human Resources
U. S. Senate
Washington, D.C.  20510

Dear Mr. Chairman:

I am writing on behalf of the Family Service Association of America in support of S. 961, the Opportunities for Adoption Act of 1977. The Family Service Association consists of local voluntary family service agencies throughout North America, many of which are continuously involved in adoption matters.

The Association applauds your efforts and those of the Committee to write legislation which will remove the barriers which now exist to finding appropriate and beneficial adoptive placement for thousands of children with special needs. We think the measures you propose will go a long way to preventing inappropriate foster care or institutional placement. We are particularly supportive of the provisions in Section 4 of the bill which would make badly needed services available to both natural and adoptive parents.

Members of the Association are now reviewing the legislation in detail, and we will submit any recommendations which we may have on the specific language of the various provisions to the staff of the Subcommittee prior to markup of the legislation.

In the meantime, if the Family Service Association of America can be of any assistance to you or your staff in this effort, please do not hesitate to call upon us.

Sincerely,

Robert J Saner II

Robert J. Saner II, Counsel
Family Service Association
of America

RJS:ok

Pages 232-321 of original document contain copyrighted material not available for reproduction.

"They Ask Aid to Adopt Children No One Wants," by Mary McGrory. (source unknown)

"Homes for the 'Unadoptable'". New York Times; Apr. 22, 1977.

"'Fragmenting' Children," by Tom Wicker. New York Times ; May 8, 1977.

"Homeless Children Look to Congress," by J. F. terHorst. Detroit News; May 15, 1977.

"While Children Wait," by Tom Wicker. New York Times; Jun. 26, 1977.

Excerpts from Adopting Children with Special Needs, ed. by Patricia J. Kravik. Kensington, Maryland: Colophon Press, 1976.

Obstacles to Interstate Adoption, by Roberta Hunt. New York: Child Welfare League of America, Inc., Aug. 1972. ($1.50).

# THE INTERSTATE COMPACT
# ON THE
# PLACEMENT OF CHILDREN

AMERICAN PUBLIC WELFARE ASSOCIATION

1155 16th Street, N.W.
Washington, D.C. 20036

# THE INTERSTATE COMPACT
# ON THE
# PLACEMENT OF CHILDREN

AMERICAN PUBLIC WELFARE ASSOCIATION
Suite 201
1155 16th Street, N.W.
Washington, D.C. 20036

Brendan V. Callanan, Project Director

(202) 833-9250

# THE INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

Finding suitable homes for children who have lost or never had them is a problem with many facets Most often it has been thought of as an illegitimate infant or one from a broken marriage Frequently it's a child removed from parental neglect or abuse Sometimes, it is a child who needs special care or services

Public attention to the problem rides up and down like a roller coaster It is intense in times of outcry against black markets in babies, it tails away to nothing when the supply of the more sought after children nears exhaustion The belief then becomes widespread that the problem is solved because every child who can expect to have a home has been provided with one But such thoughts are illusions They are based on a skewed perception of the human needs involved

The would-be parents and children have needs for love, security, and fulfillment that can be met only when children in need of placement are matched with adults who can care for them Thus there is always a shortage Sometimes it is of children to satisfy the needs of would-be adoptive or foster parents At other periods the shortage is of parents for children who are less readily placed because of handicap or because they are from minority groups There is also a continuing need to find homes for older children hitherto less often placed but who need family environments fully as much as do infants

Satisfying the material, emotional and spiritual needs of children who must have families and of adults who want youngsters through foster parenthood or adoption produces a never ending series of searches Most often they are carried on in the relatively small geographic areas surrounding the living places of the people immediately involved The child caring and placement agencies (public or private) which may provide assistance or supervision are also local or those of a single state

But experience shows that neither the needs of children nor adults can be met by restricting child placement services and supervision to the territory of any single state A variety of circumstances makes interstate placements of children essential and offers compelling reasons for an interstate compact under which the jurisdictional, administrative and human rights and obligations involved can be protected The Interstate Compact on the Placement of Children, which by 1974 had been enacted in 24 states, is that compact The Compact's text is reproduced in full at the end of this statement

The most obvious reason why interstate placements are necessary is that almost never is the number of children requiring placements and the numbers and kinds of adults anxious and able to receive them in balance within any state or local area. If the surplus in either group is to be accommodated, its fulfillment must be found in another state.

Another circumstance of increasing importance is that families move, including many with children whose adoptions have not yet been perfected or who are in foster care not intended to eventuate in adoption. In the absence of the Interstate Compact on the Placement of Children such families face undesirable alternatives:

1. They may forego the move and so lose employment, career advancement or other personal benefits or necessities; or

2. They may leave the children behind thereby denying their own needs and those of the children; or

3. They may take the children with them (in some cases illegally) and create situations in which the normal legal and administrative protections surrounding the placement are lost.

The Interstate Compact on the Placement of Children is a legally and administratively sound means of permitting child placement activities to be pursued throughout the country in much the same way and with the same safeguards and services as though they were being conducted within a single state.

The Compact applies to placements preliminary to possible adoptions, placements in foster care where no adoption is contemplated, and institutional placements of adjudicated delinquents needing special services or programs not available within the state.

In brief, the Compact requires notice and ascertainment of the suitability of a placement before it is made, allocates in specific fashion the legal and administrative responsibilities during the continuance of an interstate placement, provides a better basis for enforcement of rights and responsibilities than now exists and authorizes joint actions of the administrators in all party states to further effective operations and services when either public agencies or private persons and agencies in more than one state are involved in a placement situation.

A single state acting alone is unable to effectuate similar procedures and safeguards because of its inability to give its courts and administrative agencies authority beyond its own territory. This is a jurisdictional limitation which is not overcome by the Full Faith and Credit Clause of the United States Constitution. Although Article IV, Section 1 of the Constitution provides that "Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State", this is not a proclamation that each state must enforce the laws of her sister states.

Full Faith and Credit applies only when a state's proceeding has had a jurisdictionally valid basis. Riley v. N. Y. Trust Co., 315 U.S.

343 (1941) It is not a grant which extends jurisdiction where none otherwise exists In the absence of a multilateral law such as that of the Compact, jurisdistion can, in general, only be obtained when the parties and/or the subject of the controversy are within the state's territorial boundaries McDonald v Mabee 243 U S 90 (1917) That an interstate compact can validly confer extraterritorial jurisdiction has, however, been reaffirmed many times, e g Gully v Apple, 213 Ark 350 (1948), Ex parte Tenner 20 Ca2d 670 (1942) Accordingly, the Interstate Compact on the Placement of Children, which becomes valid law in each of the party states, grants the requisite jurisdiction to all of them to solve a number of specific problems encountered in interstate placements

1. **Unilateral laws seeking to regulate placements into other states or to restrict placements into the state from other states have no effect beyond the single state's borders** Many states, recognizing the need for some regulation of interstate placements have enacted child importation and exportation statutes In general, these laws require that no child may be placed into or out of the state without consent of its public welfare agency Consent is conditioned upon notification of the intended placement containing sufficient information for the agency to make a determination that it will not be undesirable There is scant means of insuring compliance The frequent statutory authorization for bond is largely ineffective, either because it is ignored or waived and because at best, it cannot substitute for any but the financial aspects of placement obligations

For example, there is nothing to compel the sending agency or person located in another state to comply with notice requirements. Without prior notification, the state in which the child is placed has no opportunity to make any preplacement investigation Thus, a child often arrives in the state without any determination being made as to the appropriateness of the environment Such placements will frequently go entirely undetected and unsupervised until after something has gone wrong Only then does a tragic situation come to the attention of the authorities Often, those who should be responsible for taking remedial action are in another jurisdiction and cannot be reached by either administrative or court procedures. Furthermore, when a child is being placed out of a state, the state of origin has no assurances of the adequacy of the preplacement services in the receiving state, or even of obtaining any

The ineffectiveness of these unilateral attempts to regulate interstate placements is indicated by the fact that although 29 states have importation statutes and 9 have exportation statutes, there have been very few attempts to enforce them See In Re Adoption of Lunger, 28 N J Super 614 (1953) (Statute making it misdemeanor to place children in state without prior approval cannot be applied against placement agency located outside the state). In Re Blalock, 283 N C 493 (1951) (Had nonresident violators of exportation statute not placed themselves within the courts jurisdiction, their motion to dismiss would probably have been granted for lack of jurisdiction)

In contrast, the Compact provides a legally enforceable procedure for insuring that sufficient information is furnished for a determination as to the suitability of the placement (Art III) Accordingly, there is assurance of having a sufficient determination that the prospects for the placement are satisfactory

**2. A state has no means of monitoring the performance of those who are caring for a child placed in another state.** In the absence of the Compact, the sending state has no way of insuring that an agency or foster parents in another state are meeting their responsbilities toward the child In general, one state cannot enforce the laws of another state in any affirmative sense United States v Constantine, 296 U S 287 (1935) The Compact provides the necessary authority for establishing legally sound agency relationships among public and private entities in the sending and receiving states and also makes valid the enforcement of the appropriate laws of either state in both the sending and receiving jurisdictions See Bartkus v Illinois, 359 U S 121 (1959). Abbate v United States, 359 U S 187 (1959) (Punishing a given course of conduct in more than one jurisdiction not barred by the double jeopardy provision of the Fifth Amendment) This secures a means of assuring that information and supervision will be a practical reality Furthermore, because the Compact becomes law in each of the party states, enforcement of its provisions by any one of them is actually enforcement of that state's own law

**3. Laws fixing responsibility for education, care or support of the child do not apply.** Should a child be brought into a state without prior notification and arrangements, the state in which he is placed would ultimately bear the responsibility for meeting the child's welfare needs Indeed, because absence of legal residence is not sufficient grounds for denying welfare assistance, the child has a right to the same basic support as would be provided a child already residing in the state Shapiro v Thompson, 394 U S 618 (1969). That support of a child placed from another state is a matter of concern is attested to by the fact that most of the importation statutes provide that the sending agency or person shall remain financially responsible for the child Such an attempt to fix responsibility is often practically unavailing because it is unenforceable except by forfeiture of the bond The Compact, which legally fixes financial responsiblity with the sending agency, gives the receiving state a superior means to any other now existing of enforcing child support from the persons or agencies which should have the obligation

**4. Jurisdistion over the child ends at the state line.** In the absence of the Compact, the sending state can no longer reach the child once he is placed out-of-state. Should a placement go bad, the state-of-origin has no means to effect removal of the child to a better environment or, if need be, to compel his return. Formerly, a child was considered to have no rights in regard to such a situation. He could be shifted about or placed at will but only by authorities who could assert jurisdiction over him. More recently, it has become established that, in addition, juveniles are entitled to a measure of due process. McKeiver v. Pennsylvania, 403 U.S. 528 (1971); In the Matter of Winship, 397 U.S. 358 (1970); In Re Gault, 387 U.S. 1 (1967). Consideration must now be given to the child's rights to proper procedures before he can be placed in a home or removed to another. Although this has always been desirable as good policy, it is now required by law. The Compact provides for the application of proper procedures consistent with the child's legal rights. It insures that the child's interest in protection from a bad placement situation will not go unremedied.

The Interstate Compact on the Placement of Children does not purport to supplant existing child placement laws, but rather is a valuable supplement to them. The Compact does not attempt to deal with all aspects of placements but only with those of particular significance for interstate situations. For example, although Stanley v. Illinois, 405 U.S. 645 (1972), is of great consequence in the field of child placement, it has no special bearing on the operation of the Compact. Such matters as relinquishment of parental rights or licensing of agencies, although of great concern in child placement are of equal importance whether the placement is intrastate or interstate. Those placement matters which are not uniquely of interstate concern remain within the realm of individual state action. The Compact provides the necessary legal framework for placements in which more than one state is involved, thereby improving protection for children and those who care for them.

# TEXT OF INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

## ARTICLE I. Purpose and Policy

It is the purpose and policy of the party states to cooperate with each other in the interstate placement of children to the end that:

(a) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care.

(b) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child.

(c) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made.

(d) Appropriate jurisdictional arrangements for the care of children will be promoted.

## ARTICLE II. Definitions

As used in this compact:

(a) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control.

(b) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency or other entity which sends, brings, or causes to be sent or brought any child to another party state.

(c) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for placement with state or local public authorities or for placement with private agencies or persons.

(d) "Placement" means the arrangement for the care of a child in a family free or boarding home or in a child-caring agency or institution but does not include any institution caring for the mentally ill, mentally defective or epileptic or any institution primarily educational in character, and any hospital or other medical facility.

## ARTICLE III. Conditions for Placement

(a) No sending agency shall send, bring, or cause to be sent or brought into any other party state any child for placement in foster care or as a preliminary to a possible adoption unless the sending agency shall comply with each and every requirement set forth in this article and with the applicable laws of the receiving state governing the placement of children therein.

(b) Prior to sending, bringing or causing any child to be sent or brought into a receiving state for placement in foster care or as a preliminary to a possible adoption, the sending agency shall furnish the appropriate public authorities in the receiving state written notice of the intention to send, bring, or place the child in the receiving state. The notice shall contain:

(1) The name, date and place of birth of the child.

(2) The identity and address or addresses of the parents or legal guardian.

(3) The name and address of the person, agency or institution to or with which the sending agency proposes to send, bring, or place the child.

(4) A full statement of the reasons for such proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(c) Any public officer or agency in a receiving state which is in receipt of a notice pursuant to paragraph (b) of this article may request of the sending agency, or any other appropriate officer or agency of or in the sending agency's state, and shall be entitled to receive therefrom, such supporting or additional information as it may deem necessary under the circumstances to carry out the purpose and policy of this compact.

(d) The child shall not be sent, brought, or caused to be sent or brought into the receiving state until the appropriate public authorities in the receiving state shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

## ARTICLE IV. Penalty for Illegal Placement

The sending, bringing, or causing to be sent or brought into any receiving state of a child in violation of the terms of this compact shall constitute a violation of the laws respecting the placement of children of both the state in which the sending agency is located or from which it sends or brings the child and of the receiving state.

Such violation may be punished or subjected to penalty in either jurisdiction in accordance with its laws. In addition to liability for any such punishment or penalty, any such violation shall constitute full and sufficient grounds for the suspension or revocation of any license, permit, or other legal authorization held by the sending agency which empowers or allows it to place, or care for children.

## ARTICLE V. Retention of Jurisdiction

(a) The sending agency shall retain jurisdiction over the child sufficient to determine all matters in relation to the custody, supervision, care, treatment and disposition of the child which it would have had if the child had remained in the sending agency's state, until the child is adopted, reaches majority, becomes self-supporting or is discharged with the concurrence of the appropriate authority in the receiving state. Such jurisdiction shall also include the power to effect or cause the return of the child or its transfer to another location and custody pursuant to law. The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement. Nothing contained herein shall defeat a claim of jurisdiction by a receiving state sufficient to deal with an act of delinquency or crime committed therein.

(b) When the sending agency is a public agency, it may enter into an agreement with an authorized public or private agency in the receiving state providing for the performance of one or more services in respect of such case by the latter as agent for the sending agency.

(c) Nothing in this compact shall be construed to prevent a private charitable agency authorized to place children in the receiving state from performing services or acting as agent in that state for a private charitable agency of the sending state; nor to prevent the agency in the receiving state from discharging financial responsibility for the support and maintenance of a child who has been placed on behalf of the sending agency without relieving the responsibility set forth in paragraph (a) hereof.

## ARTICLE VI. Institutional Care of Delinquent Children

A child adjudicated delinquent may be placed in an institution in another party jurisdiction pursuant to this compact but no such placement shall be made unless the child is given a court hearing on notice to the parent or guardian with opportunity to be heard, prior to his being sent to such other party jurisdiction for institutional care and the court finds that:

1. Equivalent facilities for the child are not available in the sending agency's jurisdiction; and

2. Institutional care in the other jurisdiction is in the best interest of the child and will not produce undue hardship

### ARTICLE VII. Compact Administrator

The executive head of each jurisdiction party to this compact shall designate an officer who shall be general coordinator of activities under this compact in his jurisdiction and who, acting jointly with like officers of other party jurisdictions, shall have power to promulgate rules and regulations to carry out more effectively the terms and provisions of this compact

### ARTICLE VIII. Limitations

This compact shall not apply to

(a) The sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult brother or sister, adult uncle or aunt, or his guardian and leaving the child with any such relative or non-agency guardian in the receiving state

(b) Any placement, sending or bringing of a child into a receiving state pursuant to any other interstate compact to which both the state from which the child is sent or brought and the receiving state are party, or to any other agreement between said states which has the force of law

### ARTICLE IX. Enactment and Withdrawal

This compact shall be open to joinder by any state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and, with the consent of Congress, the Government of Canada or any province thereof. It shall become effective with respect to any such jurisdiction when such jurisdiction has enacted the same into law. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until two years after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the Governor of each other party jurisdiction. Withdrawal of a party state shall not affect the rights, duties and obligations under this compact of any sending agency therein with respect to a placement made prior to the effective date of withdrawal

## ARTICLE X. Construction and Severability

The provisions of this compact shall be liberally construed to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

## STATE ENABLING LEGISLATION

Following is the draft of an enabling act. Its purpose is to put the compact into effect and to relate its provisions to the organizational structure and operating procedure of the ratifying state. To accomplish this purpose, the language of the enabling act must vary from state to state.

**In contrast, the language of the compact proper—as distinguished from the enabling act—should be adopted verbatim by all ratifying states so that possible legal difficulties may be avoided.**

## SUGGESTED DRAFT FOR ENABLING ACT

[Title should conform to state requirements]

(Be it enacted, etc.)

Section 1. The Interstate Compact on the Placement of Children is hereby enacted into law and entered into with all other jurisdictions legally joining therein in form substantially as follows:

### INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

[At this point insert the exact text of the compact as shown]

Section 2. Financial responsibility for any child placed pursuant to the provisions of the Interstate Compact on the Placement of Children shall be determined in accordance with the provisions of Article V thereof in the first instance. However, in the event of partial or complete default of performance thereunder, the provisions of [State laws fixing responsibility for the support of children] also may be invoked.

Section 3. The "appropriate public authorities" as used in Article III of the Interstate Compact on the Placement of Children shall, with reference to this state, mean the [insert name of appropriate state agency] and said [agency] shall receive and act with reference to notices required by said Article III. [Add such additional enforcement provisions as may be necessary.]

Section 4. As used in paragraph (a) of Article V of the Interstate Compact on the Placement of Children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the [insert name of appropriate official or agency].

__Section 5.__ The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (b) of Article V of the Interstate Compact on the Placement of Children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state or subdivision or agency thereof shall not be binding unless it has the approval in writing of the [chief state fiscal officer] in the case of the state and of the chief local fiscal officer in the case of a subdivision of the state.

__Section 6.__ Any requirements for visitation, inspection or supervision of children, homes, institutions or other agencies in another party state which may apply under [cite appropriate provisions of statute] shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (b) of Article V of the Interstate Compact on the Placement of Children.

__Section 7.__ The provision of [cite statutes restricting out-of-state placement] shall not apply to placements made pursuant to the Interstate Compact on the Placement of Children.

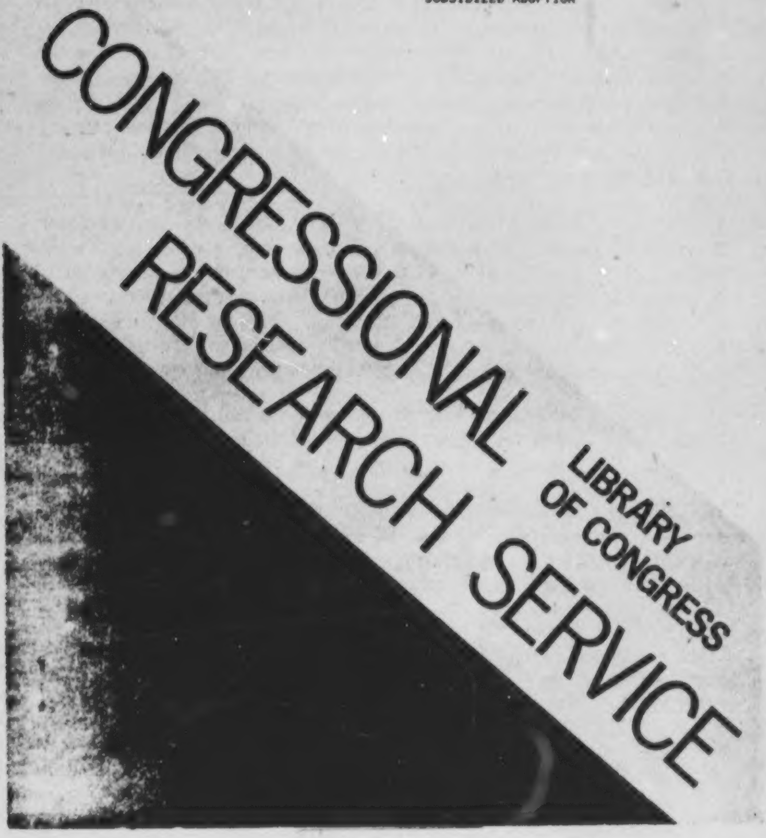
__Section 8.__ Any court having jurisdiction to place delinquent children may place such a child in an institution in another state pursuant to Article VI of the Interstate Compact on the Placement of Children and shall retain jurisdiction as provided in Article V thereof.

__Section 9.__ As used in Article VII of the Interstate Compact on the Placement of Children, the term "executive head" means the [Governor]. The [Governor] is hereby authorized to appoint a compact administrator in accordance with the terms of said Article VII.

__Section 10.__ [Insert effective date.]

HV 741 U.S. B 75-125 ED

SUBSIDIZED ADOPTION



# CONGRESSIONAL RESEARCH SERVICE

LIBRARY OF CONGRESS

## TABLE OF CONTENTS

Page

Foreword

I. STATE ACTIVITY

A. Discussion .......... 1

B. State Adoption Subsidy Laws .......... 3

C. Summaries of Selected State Reports on Subsidized Adoption .......... 15

II. FEDERAL ACTIVITY

A. Discussion .......... 23

B. Draft of MODEL STATE SUBSIDIZED ADOPTION ACT .......... 25

C. Draft of MODEL GUIDELINES FOR STATE SUBSIDIZED ADOPTION ACT .......... 27

## Foreword

The subject of adoption has taken on a particular added interest now that increasing numbers of persons wishing to adopt have been frustrated in that wish because of the shortage of available, healthy, and for the most part, white infants. This shortage of so-called "adoptable" babies and the ever-growing number of children remaining in permanent foster care has resulted in special efforts by the States and by adoption agencies to encourage the adoption of so-called "unadoptable," or hard-to-place children.

The following portions of this report provide information on the subject of adoption subsidies and State adoption subsidy laws, as well as a discussion of several State reports and surveys on these programs.

The last section of this report discusses the current Federal assistance available for adoption and proposals which have been made to increase that assistance.

## I. STATE ACTIVITY

### A. Discussion

On the State level, one of the major efforts with regard to adoption has been directed toward recruiting families to adopt hard-to-place children by way of a subsidy.

As of this writing, thirty-five States and the District of Columbia have passed legislation providing assistance to parents who are willing to adopt a child who is physically or mentally handicapped, emotionally disturbed, a member of a minority or mixed race, an older child or a member of a sibling group, or otherwise hard to place.

The types of subsidies which are provided vary from State to State. Six States appear to provide only maintenance payments (Alaska, Maryland, Minnesota, Utah, Washington, and Wisconsin) while eleven States (Colorado, Michigan, Nebraska, Nevada, New Jersey, New York, North Dakota, Ohio, Oregon, South Dakota and Tennessee) provide maintenance payments, adoption fees, medical, surgical, and related expenses, as well as training and education needs of the adopted child. The State of Rhode Island does not actually provide a subsidy for adoption, but provides for the cost of placement fees involved in an adoption of a handicapped or hard-to-place child.

The Children's Bureau of the Department of Health, Education, and Welfare estimates that there are as many as 120,000 children in this country waiting to be adopted and that most of them are in some way handicapped or otherwise hard-to-place.

On the face of it, adoption subsidies sound like an additional public expense. However, the theory behind this type of approach is that even with subsidized adoptions, the value to the State in both social and monetary savings is enormous. (For further information on cost savings, see discussions of several State surveys located on pages 15-22 of this report.) While it is difficult to assess the social value, the monetary saving for the adoption of a hard-to-place child can be measured by the cost absorbed by the State if the child is not adopted. For example, the Division of Vulnerable Children (Children's Bureau) estimates that the average cost of caring for a child in a residential institution is between $20.00 and $30.00 a day, or between $7,000 to $10,000 per year. In one of the reports on the State surveys included in this report, it was estimated that by providing a subsidy for the adoption of a three-year-old child who might otherwise have remained in an institution for the retarded, the State was saving (even with the subsidy) $7320.00 a year. In fact, it was estimated that the total savings which would result from the adoption of that one child would be $131,760 for the period until the child reached age 21.

It is fairly obvious from the statutes that were passed providing for adoption subsidies that most of the States had no intention of creating an expensive new program. In fact, all but nine of the States providing subsidies set a limit on the amount which could be paid, and that limit is required to be less than or not more than the foster care payments. (See the following section for information on State statutes.)

## B. State Adoption Subsidy Laws

STATE ADOPTION SUBSIDIES

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| ALASKA | General Adoption Act. Sec. 20.15.180 (Effective Aug. 8, 1974) | Child must "differ markedly from peers because of a physical or mental defect". Must be in foster care for not less than 1 year | Money payment only for needs of child | Available based on evaluation until the child reaches majority | Amount left to the discretion of the Commissioner, but may not be more than foster care payments | Department of Health & Social Services | |
| CALIFORNIA | West's Annotated California Codes-Welfare & Institutions Code, Chapter 2.1 | Child must be hard-to-place (disadvantaged, handicapped or age 3 or over) | Maintenance payments and waiver of adoption fees | Generally a 3 year limit. Additional 2 years if continuing need is shown | Based on financial need. Payments may not exceed foster care payments | Department of Social Services | Make information available to prospective adoptive parents and assist in adoption |
| COLORADO | Session Laws of Colorado-1st Reg. Session, 1973-Chapter 341 p.1227, Article 15 of Chapter 119-Colorado Revised Statutes | Child must be legally available for adoption. Reasonable efforts to place child without subsidy must have been made. The child must be one of special needs.* Adoptive parents must be able to care for all non-financial needs of child. Child must be in custody of Department. | May include (but not limited to) maintenance costs, medical & surgical expenses and other costs incidental to the adoption, care training and education of the child | Termination of payments after the child's 18th birthday or if need no longer exists | Based on financial need. Payments may not exceed foster care payments. Annual determination of need | Department of Social Services | Payments may continue [illegible] if adoptive parents [illegible] child leave the State |

*Definition of Special Needs - A child with a special, unusual or significant physical or mental handicap, or emotional disturbance, or such other condition which acts as a serious barrier to adoption.

CB-4

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE 1/ | OTHER |
|---|---|---|---|---|---|---|---|
| CONNECTICUT | Connecticut General Statutes, Annot. Title 17 Sec. 44 | Child must be ward of welfare commissioner and must be a child who is hard-to-place because of a race, a physical or mental handicap, or age or member of a sibling group. Adopting family must be able to provide for all non-financial needs of child | Special need subsidy - a lump sum payment paid to person providing the required service (e.g. surgical) to handle the expense resulting from adoption when no other source is available - Periodic subsidy - based on financial need of adoptive parents to care for child | Subsidy may be continued according to need of adopted parents until the child is 18 years old. Annual review of need. | Subsidy may not exceed 75% of current costs for foster care | State Welfare Commissioner | |
| DELAWARE | Senate Bill No. 191 1971 Laws of Delaware | Child must be hard-to-place (i.e. physical or mental handicaps) and have been referred to an adoption resource exchange service without success. Also available for children who are being adopted by their foster parents. Based on need | Maintenance payment (or boarding subsidy)<br>Legal fees | To age 18 or until completion of high school if over 18. Annual review of family income to determine need | May not be more than the cost of foster care | State Division of Social Services | |
| DISTRICT OF COLUMBIA | D.C. Subsidized Adoption Act. P.L. 93-241 (includes regulations proposed by D.H.R. to operate program) | Child must have "special needs" - disabled, or because of race, religion, etc. Adoptive parents must meet all needs of child other than financial | Long term maintenance payments. Short term subsidy for special needs or for adoption fees. Assistance for medical costs | Long term maintenance 'til child reaches age 18 or if there is no longer need - determined by annual review | Costs may not be greater than if the child was in foster care | Department of Human Resources | Regulations for program being negotiated at current time. Issue - income test recommended by D.H.R. regulations |

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| GEORGIA | Code of Georgia - Title 99, Sec. 211, 1973 | Child must be hard-to-place* and would have remained in foster care at State expense | Maintenance subsidy to provide for financial needs of the child and special services (i.e. medical care) not otherwise available to child | No age limit mentioned in law. Subsidy is based on financial need of family and is subject to termination based on annual review of need | Subsidy may not exceed 75% of amount paid for boarding a child (foster care) | State Dept. of Family and Children Services | |
| IDAHO | Idaho Session Laws, Regular 1974 Chapters 33-325, Chapter 61 (HB.461) | Child must be hard-to-place** and adoptive family must have need | Financial aid for maintenance and extraordinary medical expenses attributable to the disability of the child at time of adoption | Financial aid for maintenance not to exceed 3 years. Additional aid may be granted after a review for a period of 2 years if there is a continuing need. No limit applied to extraordinary medical expenses | Financial aid may not be more than the amount which would be paid if a child were in foster care | State Dept. of Social and Rehabilitation Services | Information must be disseminated as to the availability of hard-to-place children for adoption |
| ILLINOIS | Illinois Annot. Statutes, Title 23, Sec. 5005(4) | Child must be physically or mentally handicapped, older or otherwise hard-to-place. Subsidy based on need of child. | Subsidy for maintenance of child. Also, special purpose grants are permitted where a child requires special services | Not listed in Statute | Maintenance subsidy must be less than the monthly cost of care of a child in foster care. Special services costs must not exceed cost of similar services provided by the Department | Dept. of Children and Family Services | |
| INDIANA | Burns Indiana Statutes, Annotated Sec. 31-3-3-1 | Child must be hard-to-place*** Subsidy based on need | Subsidy for maintenance of child and medical, surgical hospital and related costs due to condition of child which existed prior to adoption | Continued until lack of need is shown, or until the child reaches 18 years of age. Adoptive parents must file a sworn statement at least once a year as to financial condition and condition of child | Amount may not exceed 75% of the monthly cost for foster care | State Dept. of Public Welfare | |

*Physical, mental or emotional handicaps or with other problems which make it difficult to find a permanent adoptive home.

**Defined as difficult to place because of ethnic background, race, color, mixed parentage, age, sibling grouping, physical, mental, emotional or medical handicap.

***Defined as disadvantaged because of ethnic background, race, color, language, physical, mental, or medical handicaps, age, or sibling group membership.

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| IOWA | Iowa Code, Annot. 600.11, 627.19 | Child must be hard-to-place* Adoptive parents must be capable of handling all needs of child but financial. Child must be under prior guardianship of State, county or licensed child placing agency | Subsidy for maintenance of child and financial assistance for special services | Continued until no longer needed or beyond child's 21st birthday | Maintenance assistance may not exceed the amount spent by the Dept. on foster care. Costs of special services are not available when such services are available free of cost (Eg. Medical Insurance) | Dept. of Social Services | |
| KANSAS | Kansas Statutes Annot. (1972 Cumulative Pocket Supplement) 38-319, et. seq. | Child must be hard-to-place** in adoptive home and must have resided in a foster home or child care institution (or is eligible for such care). Parents must be suitable as adoptive parents, but lack financial means to fully care for the child | Lump sum payments for special services or adoptive support for maintenance of child | Payments may continue until there is no need or upon the adoptive child reaches age 18 | Payments may not exceed the usual cost to the Dept. for foster care and medical services | State Dept. of Social Welfare | Court may waive the court costs and other related costs for adoption |
| KENTUCKY | Kentucky Revised Statutes, Annot. 199.555 | Child must be hard-to-place*** and committed to Dept. of Child Welfare (from which consent must be given). Adoptive parents must have been receiving funds as foster parents. | Maintenance payments and extraordinary medical costs | Not listed in Statute | Payments may not exceed the amount of foster care payments | State Dept. of Social Welfare | |

*Defined as physically or mentally handicapped, older or otherwise hard-to-place.
**Defined as hard-to-place because of age, racial or ethnic background, mental, emotional or physical handicap, membership in a sibling group.
***Because of physical handicap, mental condition, or age.

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| MARYLAND | No specific statute - Amendment to Article 16, Sec. 67 Rules - Employment and Social Services | Child must be one who is difficult to place and must be free for adoption. Parents must meet all requirements for adoption except for financial. Subsidy based on financial need determined by a sliding scale on income and size of family, etc. | Monthly payment for a specified period or until majority | Payments may be for a specified period of time, or until child reaches majority. Annual re-evaluation of need | Payments may not exceed 75% of foster care rate | Local Social Services Dept. | Special medical care for the adopted child is available through an arrangement with the Dept. of Health |
| MASSACHUSETTS | Chapter 110 of General Laws - Sec. 983 | For hard-to-place or multi-handicapped children. Family must be low-income family, but otherwise meet all the adoption requirements | Monthly payment - for board, clothing and other needs of child. Medical subsidy Note: Not all children are on full subsidy. Based on needs of the child | Subsidy terminates - when child reaches 18, or if there is no longer need, determined by an annual evaluation of the family | May not exceed the amount paid by the State for foster care board and clothing or medical | Division of Family and Children's Services (in the process of becoming Division of Social Services) | |
| MICHIGAN | Michigan Compiled Laws 710.13 a | Child must have been in foster care for not less than 1 mo., and must be hard-to-place* | Support payment and medical, surgical, hospital and related expenses due to physical or mental handicap (preexisting adoption) | Continued until child reaches age 18. Annual report on location and other matters relating to child must be filed, but not on financial condition of family | Support payment may not exceed [illegible] per year | State Dept. of Social Services | |
| MINNESOTA | Minnesota Statutes, Annot. 393.07 subd. 1a | Child must be under State guardianship; not readily adoptable for physical or other reasons, and must have resided as a foster child in the home of adoptive parents for at least six months | Allotments based on the needs of the child and the financial resources of the adoptive parents | No cut-off age in law, but may be terminated if there is no need | No limit in law but, county can get reimbursement for up to 1/2 of the funds available for foster care | County Welfare Boards | Adoption expenses up to $1250 are tax deductible |

*No family was willing and able or qualified (financially) to adopt the child without subsidies.

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| MISSOURI | Annot. Missouri Statutes 453.073 | Child must be considered "unadoptable"* and have been in foster care. Based on need of child and financial circumstances of adoptive family | Maintenance subsidy and costs of medical care for child | Continuous based on need. Must submit information on family assets and expenses for care of child for each preceding year by March 31. Failure will result in termination of subsidy | Subsidy may not exceed the expenses of foster care and medical care for foster children | Juvenile Court is authorized to subsidize. Paid in same manner and from same funds as foster care funds | May continue to receive funds if family moves out of State, but must submit annual report (as mentioned under Duration of Subsidy). In addition, law provides for special preference for a foster parent in adoption 453.070 |
| MONTANA | Revised Code of Montana Chapter 18, 17-1801 et seq. | Child must be difficult to place.** Agency must have exhausted all possible attempts to place. Child must be a ward of the State Dept. of Social and Rehabilitative Services | Maintenance subsidy and special purpose assistance | Not listed in Statute | Assistance may not be more than similar amounts paid for foster care assistance | State Dept. of Social and Rehabilitative Services | County must reimburse State for 1/3 of assistance provided |
| NEBRASKA | Revised Statutes of Nebraska 43-117 et. seq. | Must be a child for whom adoption would not have been possible without financial assistance. Child must be a ward of Dept. of Public Welfare | Maintenance costs, medical and surgical expenses and other costs incidental to the care of the child | Maintenance payments and medical care terminates on or before child's 19th birthday | Not listed in Statute | Dept. of Public Welfare | |
| NEVADA | Nevada Revised Statutes 127.186 | Child must have special needs*** and must be in custody of Dept. of Human Resources | Maintenance costs or for costs relating to pre-existing physical or mental conditions of the child | Assistance is stopped when child reaches majority, becomes self-supporting or dies | Grant may not exceed [illegible] annually. | Welfare division of Dept. of Human Resources | |

*Physical handicaps, mental retardation, minority race, and member of ethnic group for whom adoptive homes are not readily available.
**Disadvantaged because of ethnic background, race, color, language; physical, mental or emotional handicaps; 3 yrs. of age or older; member of a sibling group.
***Due to race, age, physical or mental problems and otherwise difficult to place in a home where parents would be able to bear full maintenance costs.

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| NEW JERSEY | New Jersey Statutes Annot. 30: 4C-45 et. seq. | Child must be hard-to-place.* Adoptive family must meet all qualifications except for financial. Needs of child must be beyond the economic ability of the adoptive family | Maintenance costs, medical and surgical expenses and other costs incidental to care, training and education of child | Termination of maintenance assistance after child reaches 18 yrs. or if no need. Annual redetermination of need | Costs may not exceed [illegible] of cost of providing comparable assistance in foster care | Bureau of Children's Services (or Successor, Division of Youth and Family Services) | Adoption Resource Exchange set up in Bureau of Children's Services or its successor - the Division of Youth and Family Services |
| NEW YORK | Code Rules & Regulations of the State of New York - 18 Social Services, [illegible] (Social Security Law, Sec. [illegible]) | Based on need of adoptive parents. Limitation on gross income according to family size - as follows:<br>Family Size — Gross Income Limit<br>2 — [illegible]<br>3 — 10,675<br>4 — 13,175<br>5 — 15,980<br>6 — 18,187<br>Income limit may be waived in cases of a subsidy to cover costs of special illness, handicap or disability | Payments for medical, surgical, psychiatric and other special costs services and devices for illness, handicap or disability | Annual review of need | May not exceed agency daily per diem rate for foster care | New York State Dept. of Social Services | |

*As a result of a physical or mental condition, race, age, membership of sibling group.

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| NORTH DAKOTA | North Dakota Century Code Title 50-09-01 Subs. 6 Subd. C | Includes in definition of "dependent child" (for Aid to Dependent Children) - any needy child under age 21 who is living in an adoptive home and would in all probability remain unadopted except for the accepted adoptive family which does not have economic ability to meet financial needs of adopting the child | Legal fees for adoption. Maintenance costs, medical and dental expenses and other costs incidental to care of child | Child must be under age 21 | Need determined according to guidelines of public welfare board | Public Welfare Board - board must reimburse the State for 1/4 the cost | |
| OHIO | Page's Ohio Revised Code, Annot. | Child must be difficult to place.* Adoptive family must meet all qualifications except for financial and needs of the child must be beyond the capability of the family | Maintenance costs, medical surgical and psychiatric expenses and other costs incidental to the care of the child | Child must be under 21. Annual redetermination of need | Not listed in Statute | County Children's Board | |
| OREGON | Oregon Revised Statutes 418. 330-340 | Child must have special needs because of physical or mental condition, race, age, membership in sibling group. The adoptive parent must meet all other criteria than financial and the needs of the child must be beyond the economic means of the family | Maintenance costs, medical and surgical expenses and other costs incidental to the care, training and education of the child | Terminated after the child becomes 18 | May not exceed the costs of providing comparable care for children in foster care | Children's Services Division | |

*Defined as difficult to place because of member of sibling group, of age, race, physical handicap, mental or emotional condition, or other characteristics and would in all likelihood remain a ward of State without assistance.

CBS-11

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATIONS ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| RHODE ISLAND | General Laws of Rhode Island (Vol. 3A) 15-7-[illegible] | Handicapped or hard-to-place children | Reimbursement to adoptive parents in matters of placement | Not listed in Statute, but appears to be a lump sum payment for adoption expenses | Disbursed in accordance with Department guidelines | Department of Social and Rehabilitative Services | |
| SOUTH CAROLINA | Legislation authorizes Medical Subsidy Act # 1085. Not yet operative | To be directed toward physically and mentally handicapped or disabled children | Short term or long term medical care | Not yet determined | Not yet determined | Child and Family Services | This program is still in planning stage |
| SOUTH DAKOTA | South Dakota Compiled Laws Annot. 26-7-3.1 et. seq. | Child with special needs who would otherwise go without adoption | Maintenance payments, medical and surgical expenses and other costs incidental to care of child | Termination of payments upon 21st birthday of the child | Not listed in Statute | Requires approval of Director of Service Administration Rules set by Board of Social Services | |
| TENNESSEE | Tennessee Code, Annot. 14-108(o) | Child must have special needs* | Maintenance and medical, surgical, psychiatric and other special services | Established by rules and regulations of Dept. of Public Welfare | Maintenance payments may not exceed the monthly cost of foster. Special service costs may not exceed the amount the Dept. would pay | Dept. of Public Welfare | |
| TEXAS | Vernon's Texas Civil Statutes Article 46 6-2 | Child must be difficult to place** | Financial assistance to adoptive family based on need. Adoption fee may be waived | Assistance limit of 3 years. If there is continuing need, payment may be extended 2 more years | Assistance may not be more than foster care payment | State Dept. of Public Welfare | Information and assistance to adopting difficult to place children made available |
| UTAH | Utah Code, Annot. Title 55 b(3) | Child must be a legal ward of the State and physically or mentally handicapped, older or otherwise hard-to-place | Financial support | Not listed in Statute | May not exceed the amount the State would have to pay for similar services if the child was still a legal ward | Board of Family Services in Dept. of Social Services | |

*Defined as difficult to place because of physical handicap, mental or emotional condition or other serious impediments to adoption.

**Because of ethnic background, race, color, physical or mental or emotional or medical handicaps or member of a sibling group.

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| VERMONT | Vermont Statutes, Annot. 33, Sec 2601 and 12, Sec. 2666 | Child must have been in foster care home for at least 2 years and be adopted by foster parents and must be at least 6 yrs. old or, child must have special need (e.g. extreme disability) which would prevent adoption without a subsidy. Subsidy based on family income | Monthly payment or availability of medicaid depending on case-by-case arrangement | Payment is available until child reaches 18, depending on annual re-application of parents | May not exceed 75% of foster care allotment | Dept. of Social and Rehabilitation Services | |
| VIRGINIA | Code of Virginia §63.1-238.1 et. seq. | Child must have special needs.* Adoptive parents must meet all normal qualifications except for financial | Maintenance subsidy.<br>Special need subsidy for special services, not covered by insurance or other (would include medical, surgical and dental expenses, etc.) This special need subsidy is paid directly to vendor.<br>Payment of fee for home study and placement | Maintenance subsidy subject to annual reviewal of need and terminates when child is age 21 | Maintenance subsidy may not exceed cost of foster care | Local County Welfare Dept. | |

*Defined as a child with a handicap to placement by reason of physical, mental or emotional condition, race, age, or sibling membership.

| STATE | CITATION | ELIGIBILITY | TYPE OF SUBSIDY | DURATION OF SUBSIDY | LIMITATION ON SUBSIDY | ADMINISTERING OFFICE | OTHER |
|---|---|---|---|---|---|---|---|
| WASHINGTON | Revised Code Washington, Annot. 26.32.115 | Must be hard-to-place child who is residing or eligible to reside in a foster home or child caring institution. Based on need - size of family, living expenses, family income, resources and plans for savings, etc. Adoptive parents must meet all the qualifications but financial | Lump sum payment or continuing payments | Adoption support may not go on after child's 21st birthday unless there is continued dependency | Not listed in Statute | Dept. of Social and Health Services | Funds are derived from an Adoption Support account which is built up from all the fees paid for adoption services |
| WISCONSIN | West's Wisconsin Statutes, Annot. 48.48(12) | Subsidy must be necessary to assure the adoption of a child | Payments to assist in care of a child after a legal adoption, by agreement with the department | Not listed in Statute | Amount may not exceed that which is given for foster home care | Dept. of Public Welfare | |

Source: Jones, Jean Yavis.
State Adoption Subsidy Laws.
Library of Congress,
Congressional Research Service,
Education and Public Welfare Division,
November 20, 1974.

## C. Summaries of Selected State Reports on Subsidized Adoption

### 1. Survey of Several States that have Subsidized Adoption Programs* (Statistics include years up to August 1, 1974 except for New York which has no statistics available for 1974)

The six States in this survey were Connecticut, Illinois, Iowa, New Jersey, New York and Vermont. The first of these States to begin adoption subsidies was New York (in January 1969). Although there were no figures for 1974, New York showed up to that year a total of 1,484 children legally adopted and receiving subsidies. An estimated 90% of the adoptive parents of these children were foster parents. Illinois, which began its program in April 1971, recorded 662 adopted children receiving subsidies and 635 of the adoptive parents had been foster parents. New Jersey, which began its program in July 1973, reported 86 adopted children receiving subsidies, while Connecticut, which began its program in January of 1973, reported 62 adopted children receiving subsidies. Both of these States reported almost all of the adoptive parents to have been foster parents. Iowa recorded a total of 82 adopted children receiving subsidies since April 1972 when they began their program. Seventy-seven of the adoptive parents had been foster parents. In Vermont all 28 of the adopted children recorded as receiving subsidies were adopted by foster parents. In fact, Vermont's subsidy law only allows subsidies for the adoption of children who have been in foster care for at least 2 years and are adopted by their foster parents. It is evident from these reports that most of the people adopting children who are receiving subsidies are foster parents. For years, persons involved in the field of adoption have indicated that many of the foster parents caring for children would like to adopt those children but in many cases were unable to afford the total loss of the foster care reimbursement.

---

*SOURCE: Children's Bureau, DHEW, January 1975. Unpublished.

This appears to have been borne out by the high number of foster parents adopting their foster children under the adoption subsidy programs in these States. It also tends to lend credibility to the statement that adoption subsidies are of value in providing adoptive placement of children who would otherwise not have been adopted and allow many lower-income foster parents to adopt their own foster children.

As has already been mentioned, the types of subsidies which the States provide vary and these five States are indicative of this although all five require that the amount of subsidy be less than that required for foster care. In New York, it was reported that out of the total 1,484 receiving subsidies, 1,197 were receiving maintenance subsidies only while 52 were receiving only medical subsidies and 235 were receiving both maintenance and medical subsidies. Illinois provided 532 maintenance subsidies only while 36 received medical subsidies only; 76 received only a legal subsidy and 18 received both maintenance and medical subsidies. In Iowa, 65 out of the total 82 receiving subsidies received both maintenance and medical subsidies while 10 received medical only; 3 received legal only, and 4 received maintenance only. Interestingly, when one relates the statistics provided for type of payments to the characteristics of the children adopted, there is not a clear correlation. For example, in Connecticut where there were a reported 19 adopted children with either a physical handicap, mentally retarded, emotionally disturbed or with multiple handicaps, there were also 19 children receiving both maintenance and medical assistance. However, in Illinois, which has 237 children with these same handicaps, only 18 children were receiving both maintenance and medical subsidies and only 36 were receiving a medical subsidy alone. This means that in Illinois, at least 283 children with physical, mental, or emotional handicaps received no medical subsidy at all.

With regard to the age, race and sex of the children adopted and receiving subsidies several observations can be made. In the breakdown by sex there is an almost even distribution of male and female children in each of the States. With respect to age, the largest proportion of the children adopted were over age 6 in every State. In the past, children over six were considered "over-the-hill" with regard to their prospects of being adopted. In New York and New Jersey the number of black children adopted under the program was significantly higher than the number of white children. However, in Connecticut, Vermont, Iowa and Illinois, more white than black children were adopted, although in the case of Illinois, the distribution was almost equal.

The following are tables derived from the Children's Bureau in their Survey of Several States that have Subsidized Adoption Programs.

CHILDREN RECEIVING SUBSIDIES, ADOPTIVE PARENTS AND TYPES OF SUBSIDIES

| STATES | Children Legally Adopted Receiving Subsidies | Number of Parents Who Were Foster Parents | TYPES OF SUBSIDIES | | | |
|---|---|---|---|---|---|---|
| | | | Maintenance Only | Medical Only | Legal Only | Maintenance and Medical |
| Connecticut | 62 | 57 | 35 | 8 | N.A. | 19 |
| Illinois | 662 | 635 | 532 | 36 | 76 | 18 |
| owa | 82 | 77 | 4 | 10 | 3 | 65 |
| ew Jersey | 86 | 72 | 60 | 5 | 8 | 13 |
| ew York | 1484 | 90% est. | 1197 | 52 | N.A. | 235 |
| ermont | 28 | 28 | N.A. | 1 | N.A. | 27 |

## TYPES OF SUBSIDIES AND CHILDREN WITH HANDICAPS

| | HANDICAPS* | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| STATES | PH | MR | ED | MH | Medical Subsidy | Maintenance and Medical | Maintenance only | Legal Only | Total Children Receiving |
| Connecticut | 12 | 2 | 3 | 2 | 8 | 19 | 35 | NA | 62 |
| Illinois | 146 | 16 | 24 | 51 | 36 | 18 | 532 | 76 | 662 |
| Iowa | 19 | 4 | 11 | 12 | 10 | 65 | 4 | 3 | 82 |
| New Jersey | U** | U | U | U | 5 | 13 | 60 | 8 | 86 |
| New York | U | U | U | U | 52 | 235 | 1197 | NA | 1484 |
| Vermont | NA | NA | NA | NA | 1 | 27 | NA | NA | 28 |

*PH - Physically Handicapped
MR - Mentally Retarded
ED - Emotionally Disturbed
MH - Multiple Handicaps

**U - Unknown

| | RACE | | | SEX | | AGE | | |
|---|---|---|---|---|---|---|---|---|
| STATES | Black | White | Other | Male | Female | Under 2 | 2-6 | Over 6 |
| Connecticut | 12 | 37 | 13 | 30 | 32 | 0 | 18 | 44 |
| Illinois | 440 | 442 | 32 | 494 | 420 | 54 | 304 | 556 |
| Iowa | 15 | 63 | 4 | 40 | 42 | 5 | 14 | 63 |
| New Jersey | 45 | 28 | 13 | U | U | 2 | 15 | 59 |
| New York | 815 | 591 | U | 714 | 729 | (Und. 4)<br>490 | (5-8)<br>599 | (Over 9)<br>359 |
| Vermont | 0 | 28 | 0 | 13 | 15 | 0 | 7 | 21 |

Figures for these charts are taken from figures provided by the DHEW survey of several States that have Subsidized Adoption Programs.

### 2. State Surveys

#### (A) California[1]

In 1973 the number of legally adopted children receiving subsidized adoptions was 1,258. Although the costs for individual types of subsidies were not broken down, the average total cost of providing adoption subsidies per child, per month was $92.00. Comparing this to the average monthly foster family care cost, California reported that the foster family care cost was $42.85 more per child (or $134.85 per month per child). By removing the 1,258 children from foster care by way of a subsidized adoption a savings of $53,905 a month resulted. The annual savings was $646,860.

#### (B) Connecticut[1]

In 1973 Connecticut reported the average cost of adoption subsidies per child per month to be $85.11. The average foster family care cost was $180.79 per month. Thus there was a saving of $95.68 per child per month. Based on their full year total of 53 children receiving adoption subsidies this resulted in a saving of $60,852 ($5,071 per month) in 1973.

#### (C) Illinois (1970 Report)[2]

This report was based on a total of 45 applications for subsidized adoption which had been approved by March 20, 1970. The State projected an anticipated savings of $292,512 as the adopted children grow to maturity. The figure was computed at 1970 dollar rates by subtracting the total anticipated costs of subsidies until the children reach eighteen from the higher boarding rate total which the State would have had to assume had the children not been adopted. It was also indicated that those extra costs like payment of a onetime medical or dental bill were deducted in arriving at the projected savings. Not included, however, is the administrative costs which will be saved because supervision will no longer be needed for the adopted children. In Illinois all 45 of the children approved for subsidized adoption were being adopted by their foster parents. The ratio of black and white children was about equal (20 black and 22 white) and there were two racially mixed children and an American Indian child adopted. An added benefit asserted by the State is the more effective utilization of the time of child welfare workers. It is hoped that with this extra time, workers will be able to spend more time providing preventive services to hold families together, thereby reducing the need for foster care and adoption services.

---

[1] SOURCE: Children's Bureau, DHEW.

[2] Weaver, Edward T. Subsidized Adoption. A Report to the Illinois General Assembly. Department of Children and Family Services. April 1, 1970.

A subsidized Adoption Data Report, dated March 27, 1975 indicates that as of that date there were a total of 1,229 approved subsidies in the State of Illinois. The racial breakdown remained approximately the same between black and white children (598 and 578). The number of children aged six and over adopted or approved for a subsidy outnumbered those under age six by almost two to one. 316 or about 25% of the children had a physical, mental or emotional handicap. An interesting addition to this report was the fact that 152 of the children approved for adoption subsidies in Illinois were adopted by single parents.

(D) Iowa[3/]

At the time of this report to the Iowa General Assembly on December 31, 1972, the Iowa Department of Social Services indicated that only ten subsidized adoptions had taken place [at that time], although twenty applications were being processed. Because of the small number of children placed at that time, it was indicated that it was too early to provide a cost benefit analysis. Several examples of projected savings for individual cases were provided. All ten of the

---

[3/] Gillman, James N. Subsidized Adoption, A Report to the Iowa General Assembly. Iowa Department of Social Services. December 31, 1972.

children were adopted by their foster parents. Two families which had adopted handicapped children expected to be able to assume full support of those children within three years, which was estimated to result in an eventual savings of $30,000 by the time the two children grew up. Another family which had adopted an older child was receiving an adoption subsidy of approximately one-half the foster care payment. The saving was estimated to be approximately $5,700 for the following eight-year period. One of the children adopted was a three-year old who had suffered brain damage from cardiac arrest at birth. The child had been diagnosed as retarded and has poor motor development. According to the report, that child, if not adopted, would have had to have been placed in an institution for the retarded. At the agency in which she would have been placed, the 1972 rates were $23.34 a day or approximately $8,400 per year. The family which adopted the child receives $1,080 per year, which adds up to an annual saving of $7,320 per year or $131,760 for the period until the child reached the age of twenty-one.

(E) Michigan[4/]

In a letter to the Probate Judges and Child Placement Agencies on the subject of adoption subsidies, the Chief Administrator of Social Services provides information on cost savings. During the first six months of 1974, there were 130 children in subsidized adoptions. The expenditure for health-related subsidies during that period was $4,322, while the expenditure for support subsidies for that period was $59,369. This was a total of $63,692 for all types of adoption subsidies for the first six months of 1974. During that period, the foster care board and care cost was $6.31 per day, or $1,154 per child for the entire 6-month period. Had these 130 children in subsidized adoptions remained in foster care, the foster care cost would have been $150,114. The saving (i.e., difference between the foster care cost and the subsidized adoption cost) which

---

[4/] Little, Robert A. Child Care Letter. Department of Social Services. Re: Adoption Subsidy. Undated.

resulted from subsidized adoptions was $86,422 during the first six months of 1974; a 57% savings over what foster care would have cost.

(F) Minnesota[1]

As of June 30, 1974, fifty-six (56) children were receiving adoption subsidies. Most of these children were approved for medical subsidy only (33); 8 were approved for long term maintenance and 6 for time-limited maintenance. Thirty-one of the children were adopted by foster parents. Most of the children adopted were white (37) and over the age of six (42). The distribution by sex was almost equal (27 males and 30 females). Forty-one of the children had some kind of handicap, the largest in this group being those with multiple handicaps. No information was provided in this report on expenditures.

(G) Ohio[5]

Ohio Department of Public Welfare issued a cost benefit report of assistance to adoptive parents for the period November 1, 1971 through October 31, 1973. This report indicated that during that period, expenditures of $17,645 had been made for 22 families for adoption subsidies for 36 children. According to the report, agencies would have paid $38,192 had the same number of children receiving adoptive subsidy remained in foster care. This resulted in a savings of $20,547.

---

[5] Summary Analysis of Cost Benefit Report of Assistance to Adoptive Parents. Ohio Department of Public Welfare. December 31, 1973.

## II. FEDERAL ACTIVITY (94TH CONGRESS)

### A. Discussion

Currently, relatively little money is provided on the Federal level for adoption services. Funds are available under Title IV-B and the new Title XX (effective October 1, 1975) of the Social Security Act; however, there is not much utilization of these funds by the States for the purposes of adoption services. To a very great extent, this is because in both of these programs funding is limited, and adoption programs have not, traditionally, had any particular priority. This has been true on both the State and Federal level. Under Title IV-B Child Welfare Services, the entire amount of federal funding has been limited at an amount between $46 and $50 million for the last several years. This amount reflects only a small part of the total amount which is expended for this program. For example, in FY 1972 $532 million was expended in Federal, State, and local funds for programs under Child Welfare Services. The Federal share was $46 million, or 8.6% of the total.* Of the $532 million expended for Child Welfare Services in 1972, only $10 million was expended for adoptions.

Under the old Social Services program (Title IV-A, new Title XX) in 1972 only $55 million out of $1.7 billion of total expenditures went for adoptions. While it is true that the recently passed Social Services Amendments will give more latitude to the States in determining who will be eligible to receive Social Services (and could therefore provide a mechanism of increased assistance for adoption) those States which are already spending over their allotment level are not likely to be encouraged to alter their adoption programs significantly. In addition, and even more significant, is the fact that an increased number of other interest groups will be competing for these funds. The traditional low priority given to child welfare services in general, (and adoption services in particular), will continue to make it difficult for increased funding to go in these directions.

---

*Source: Touche Ross & Co. Cost Analysis of Social Services. Final Report. U.S. Department of Health, Education and Welfare. Contract No. SRS 71-36. June 1972.

Federal monies for adoption services have also been provided indirectly through Title IV-B grants for training in the field of child welfare for social workers.

On the Federal level, current proposals in the area of adoption have been directed toward encouraging adoptions by way of providing a tax deduction for the expenses involved; changing immigration laws to make it easier for people to adopt foreign children (a way of increasing the supply of children available for adoption), and more recently, by providing grants for adoption assistance and services. This latter proposal is included in a bill which was introduced by Mr. Eilberg of Pennsylvania (H.R. 2658) on February 4, 1975 entitled the "Opportunities for Adoption Act." The bill was introduced as an amendment to the Public Health Service Act and has been referred to the Committee on Interstate and Foreign Commerce in the House. A similar bill was introduced by Senator Alan Cranston (and co-sponsored by Senators Mondale, Williams, Randolph, and Laxalt) on April 29, 1975, and was referred to the Committee on Labor and Public Welfare. This bill (S. 1592) would add a provision specifically authorizing financial assistance to assist agencies in locating children in need of adoption services and freeing them for adoption. In addition, a new clause would add a coordinating function to the duty of the Director of the National Office or Adoption Information and Services. Among other things, both of these Opportunities for Adoption Acts (i.e., H.R. 2658 and S. 1593) would provide for grants to the States for adoption assistance and services. These grants could be used for defraying the post-placement and post-adoption costs of supporting children with special needs, i.e., adoption subsidies for hard-to-place children.

## B. MODEL STATE SUBSIDIZED ADOPTION ACT*

An act to establish a program to authorize public
subsidies making it possible for children in special
circumstances to be adopted.

Purpose: The purpose of this Act is to make possible through public subsidy the most appropriate adoption of each child under public or private agency guardianship or care and legally free for adoption, who otherwise, because of special circumstances, may not be adopted.

Definition: As used in this Act the term "child" means a minor as defined by State law, who is legally free for adoption but who otherwise may not be adopted because of such special circumstances as:

1. Physical or mental disability,
2. Emotional disturbance,
3. Recognized high risk of physical or mental disease,
4. Age,
5. Sibling relationship,
6. Racial or ethnic factors, or
7. Any combination of these special circumstances.

Administration and Funding: The [Department of Public Welfare] shall establish and administer an ongoing program of subsidized adoption. Subsidies and services for children under this program shall be provided out of funds appropriated to the department or made available to it from other sources.

Eligibility: Foster parents interested in adopting a child in their home, or any other persons interested in adopting a child under public or private agency care, may apply to the [Department of Public Welfare] to have the adoption of the child subsidized. All persons approved for the program as adoptive parents must meet adoption agency standards except for the financial ability to support the child.

---

*Draft from DHEW, Children's Bureau. Unpublished.

Subsidy Agreement: There must be a written agreement between the family entering into subsidized adoption and the [Department of Public Welfare] before the final decree of adoption is issued. Adoption subsidies in individual cases may commence with the adoption placement or at the appropriate time after the adoption decree, and will vary with the needs due to the special circumstances of the adopted child as well as the availability of other resources. The subsidy may continue so long as the needs of the child exist and the child is the legal dependent of the adoptive parent(s) or even, in the absence of other appropriate provisions, after the child reaches majority. The subsidy may be for special services only, or for money payments, and either for a limited period, or for a long term, or for any combination of the foregoing. The amount of the time-limited or long-term subsidy may in no case exceed that allowable under foster family care or, in the case of a special service, the reasonable fee for the service rendered. In case of subsidies that continue for more than one year there shall be a periodic review by the [Department of Public Welfare] of the need for continuing or adjusting the subsidy. If the adopting family moves from this jurisdiction the child, if otherwise eligible, shall continue to be subsidized by the [Department of Public Welfare]. All records regarding subsidized adoption shall be confidential and may be disclosed only in accordance with [the relevant provisions of the State adoption act].

Appeals: An order denying, reducing, or terminating a subsidy shall be reviewable according to the provisions of the [State administrative procedure].

Promulgation of regulations: The [Department of Public Welfare] shall promulgate regulations consistent with this Act within [___] days of its enactment.

Short Title: This act may be cited as the Adoption Subsidy Act.

Effective Date: This act shall take effect on ________________.

## C. MODEL GUIDELINES FOR STATE SUBSIDIZED ADOPTION ACT*

Definition and scope: Subsidized adoption is an ongoing program within the [Department of Public Welfare] intended to make adoption possible for children who otherwise may not be adopted. It is designed as an effective addition to regular recruitment efforts, and is meant to provide children in special circumstances, presently under the care of public or approved private agencies, with the benefits of family security, love and nurture. It is funded through and administered by the [Department of Public Welfare]. Depending on the needs of the child because of the special circumstances and the situation of the prospective adoptive family, the subsidy may be for one or more of the following: a special service; money payment; a limited period; or a long term. In case of a long-term subsidy, the duration may extend until adoptive parent's responsibility ceases or even, in the absence of other appropriate provisions, after the child reaches the age of majority.

### A. Agreement

A written agreement for subsidy between the [Department of Public Welfare] and the prospective adoptive parents, with clearly delineated terms, must precede the adoption decree. The provisions should be explained verbally to the parents, and after they have had an opportunity for study and consultation, both the prospective adoptive parents and the [Department of Public Welfare] should sign the agreement. One copy should be given to the parents for their records and one copy should be kept in the files of the [Department of Public Welfare] under strict confidentiality.

Depending on the needs of the child the subsidy may commence at the time of the adoptive placement or after the adoption decree.

---

*Draft from DHEW, Children's Bureau.

If the circumstances of the child or the adoptive family change materially, the original agreement may be reviewed and may be superseded by a new agreement.

B. Types of Subsidy

1. Special Service Subsidy is limited to the time span of the necessary service. It may be a one-time payment for an anticipated expense when there is no other resource. It may include, among others:

(a) Legal and court costs of adoption.

(b) Other costs incidental to adoptive placement, e.g., preplacement visits.

(c) Special medical costs: In the case of a child with a known medical condition which will require treatment or surgery after placement for adoption or after the adoption decree, investigation must be made of the adopting family's medical insurance and of other public and voluntary community services (such as Crippled Children's Services and Medicaid) to determine whether the costs of the treatment and related costs can be covered by one or more of them. Where costs for treatment and related expenses cannot be covered or can be only partially covered by the other community services, the subsidy agreement shall provide for the necessary funds for the treatment required after adoption placement or after the adoption decree. If, because of genetic background or other medical history, there is a recognized risk that physical or mental disease may later develop, the agreement shall include provision of funds, if not otherwise available, for treatment of such disease. The agreement must be reviewed periodically where continuing treatments are required and until the special needs of the child cease to exist.

(d) Costs of other special services such as physio-, phycho-, or occupational therapy, remedial education, rehabilitation training, extraordinary corrective dental treatment, speech and hearing therapy, wheel chairs, braces, crutches, prostheses, day care, and transportation.

2. Time Limited Subsidy is a periodic payment for a specified time span after adoptive placement or after the legal completion of the adoption. It is designed to help with the expenses of integrating the child into the family or to provide needed funds for a specified length of time.

3. Long-Term Subsidy is designed for children adopted by families with presently and predictively limited incomes. The periodic payment may be reviewed and may continue until the adoptive parent's responsibility ceases or, in the absence of other appropriate provisions, beyond the child's attainment of majority.

### C. Amount of Subsidy

1. Time-Limited and Long-Term Subsidies: Neither time-limited nor long-term money payment subsidies may exceed the rate as established by the [Department of Public Welfare] for care in foster family homes.

2. Special Service Subsidies will be limited to the reasonable fee for such service as determined by pertinent State or local authorities.

### D. Criteria for Subsidized Adoption

1. The adoption must be based on a sound social work plan serving the best interests of the child and the family.

2. The family must meet all agency standards for adoption but will require a subsidy to assume a complete care of the child.

### E. Special Considerations

1. Foster parents or relatives with whom the child has been living should be considered as adoptive parents if a meaningful relationship has been established and if they have expressed interest in adopting the child.

2. Before a subsidy is considered other resources for adoptive placement should be explored, including the local area and simultaneous registration for a reasonable period on both the State Adoption Resource Exchange and the Adoption Resource Exchange of North America (ARENA). Registration with these exchanges is unnecessary when the current foster family, or other qualified person(s) already acquainted with the child, are available as adoptive parents, or when an unreasonable delay in placement will occur.

3. If the child has or may have eligibility for Indian benefits, it may be necessary to negotiate special terms with the Bureau of Indian Affairs or the relevant tribal court.

F. Continuity of Subsidy

1. The [Department] shall set up procedures for periodic review of the continued need and amount of the subsidy.

(a) Review may be through an agency questionnaire mailed to the adoptive parents. The questionnaire should seek a disclosure of present financial needs of the child and the resources available to provide for those needs.

(b) The periodic review may result in a continuation of the subsidy at the same level, or a reduction, or an increase, or termination, depending on financial circumstances and needs.

2. If the adoptive family moves out of the county, State or country, the [Department] shall retain responsibility for continuing the subsidy as needed.

G. Subsidy for a Child Under the Care of an Approved or Licensed Private Agency

A child under the care of an approved or licensed private agency must meet the same requirements for subsidy as those of a public agency. The approved or licensed private agency must refer the case to the [Department] for consideration of a subsidy. After the referral the private agency will continue its supervisory responsibility for the child and the family until after the adoption decree. If after reviewing the circumstances of the case, the [Department] approves a subsidy plan, it will draft and sign jointly with the adoptive parents an agreement for the necessary special services and funding. The [Department] will be the administrator of the subsidy agreement according to its own regulations and the terms of the Act.

H. Training

In addition to appropriate handbook material, the [Department of Public Welfare] will set up a continuing subsidized adoption training program for staffs of both public and private agencies. The program will include the purposes and procedures of the subsidized adoption program and the methods for recruiting adoptive applicants. The [Department of Public Welfare] will make available to adoptive parents of children with special circumstances a voluntary educational program on their care and nurture as well as their future needs.

I. Appeals Provision

The [Department of Public Health] shall develop procedures for appeals that are in accordance with the State's administrative procedures law and are also consistent with the appeals provision of the model Act.

THE LIBRARY OF CONGRESS
*Congressional Research Service*

WASHINGTON, D.C. 20540

April 20, 1977

To: Senate Subcommittee on Child and Human Development
Attn: Amy Friedman

From: American Law Division

Subject: Ethical Restraints on Attorneys Participating in Black Market Adoptions

This memorandum is in response to your request of April 15, 1977 for information concerning the American Bar Association's Code of Professional Responsibility as it pertains to attorneys participating in illegal black market adoptions. We are also enclosing, as we discussed with you during our telephone conversation of April 19, copies of materials and cases dealing with black market adoptions which are presently available. We will forward to your office additional cases when we complete our search, later this week.

The ethical standards with which an attorney must comply in order to avoid sanction are determined by each individual state for the attorneys practicing within that State. These standards are usually promulgated by the State legislature, State judiciary, or State bar association, or by a combination of these bodies. The American Bar Association, a voluntary nationwide association of attorneys, developed a model code of ethical conduct in 1906. This code was substantially revised during the 1960's and in 1969 it was replaced by the Code of Professional Responsibility. This code has been adopted by many States as the standard of conduct for attorneys. Many other States have adopted the code with slight modifications, or have developed their own standards based on the code. It is therefore representative of the minimal standards of conduct required of attorneys in the vast majority of States.

The Code of Professional Responsibility is composed of three parts: Canons, Ethical Considerations, and Disciplinary Rules. The Canons are short statements of generally recognized principles of legal ethics. Ethical Considerations are non-binding guides for attorneys representing objectives toward which every attorney should strive. Disciplinary Rules, on the other hand, are mandatory rules of conduct, representing the minimum level of behavior below which no attorney may fall without being subject to disciplinary action.

The American Bar Association's Code of Professional Responsibility contains no specific reference to the role that an attorney should play in an adoption proceeding, or to what conduct during such a proceeding would be considered unethical. However, a careful analysis of several sections of the code reveals that many of the functions associated with the role of an attorney in the black market adoption transaction would be considered violations.

Canon one states: "A lawyer should assist in maintaining the integrity and competence of the legal profession." Disciplinary Rule DR 1-102 interprets this Canon to mean that a lawyer shall not engage in illegal conduct involving moral turpitude, or engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, or engage in any other conduct that adversely reflects on his fitness to practice law. In addition, Disciplinary Rule DR 7-102 (7) and (8) states that an attorney shall not counsel or assist his client in conduct that the lawyer knows to be illegal or fraudulent or knowingly engage in other illegal conduct.

Every State in the Union and the District of Columbia has enacted some regulation regarding adoptions. In many States it is a crime to receive any compensation for placing a child for adoption, or make a profit from the child placement.[1] Regulation in other States may vary from prohibiting all non-agency adoptions to simply requiring post-placement investigations of the adoptive parents' suitability and fitness to care for the child.[2] One State requires court approval for any fee charged in connection with the adoption that is in excess of $500 (Fla. Stat. Ann. § 63.097). Since black market adoptions must, by definition, be in violation of a law or regulation, an attorney who participates in or assists his or her clients in participating in a black market adoption is in violation of Canons I and VII and Disciplinary Rules DR 1-102, 7-102(7) and 7-102(8).

Canon II states that "A lawyer should assist the legal profession in fulfilling its duty to make legal counsel available." Disciplinary Rule DR 2-106 interprets this Canon to require that attorneys not charge or collect an illegal or clearly excessive fee. Factors considered in determining the reasonableness of a fee include the time and labor required, the difficulty of the question, the amount involved and the customary fee for similar services in the locality. Fees that are so grossly disproportionate to the services rendered so as to shock the conscience will subject the attorney to disciplinary action (*Bushman* v. *State Bar of California*, 113 Cal. Rptr. 904, 522 P. 2d 312 (1974)). Attorney fees for arranging black market adoptions are notably excessive, with charges ranging up to $25,000 for a white child.[3] Any fee of this or similar magnitude for a simple adoption would certainly have to be justified by extreme circumstances or complications in order to avoid sanction under DR 2-106.

---

[1] See 50 State survey of adoption laws accompanying this memorandum. Compensation for placing a child with adoptive parents should be distinguished from compensation for other services associated with the adoption, such as drawing up necessary legal papers.

[2] See, *Black Market Adoptions*, 22 *Catholic Law*. 48, 56-58 (1976), enclosed.

Canon V presents yet another ethical restraint on attorneys acting as middlemen by arranging adoptions. Canon V, as interpreted by DR 5-105, requires that an attorney refrain from representing multiple clients if his independent professional judgment in behalf of one client will be affected adversely by his or her representation of the other client, unless the attorney can adequately represent all parties and informs each party of the possible effects of such multiple representation, and then each party affirmatively consents. Most attorneys acting as middlemen in black market adoption proceedings represent, or attempt to represent, both the natural and adoptive parents, as well as, in come cases, the child. Although the interests of the adoptive parents, natural parents and child are not necessarily conflicting, they are divergent, and an attorney representing all of these parties may very likely be in violation of this Disciplinary Rule.[4]

Canon VI states: "A lawyer should represent a client competently." DR 6-101 adds that "A lawyer shall not handle a legal matter which he knows or should know that he is not competent to handle, without associating with a lawyer who is competent to handle it." The selection of proper adoptive parents for a child is highly complex procedure. The age, emotional stability, physical characteristics, income, race, religious and social background of both the prospective parents and adoptable infant must be considered and analyzed. Attorneys, in most cases, do not have the requisite training and experience to evaluate these and other factors necessary to determine which applicants will make the best adoptive parents for a child, and at least one commentator believes that the attorney should limit his or her role in adoptions under Canon VI to advising the parties of the legal implications of the adoption and to drawing up necessary legal documents.[5/] Under this theory, an attorney would be in violation of DR 6-101 if he or she participated in the selection of prospective parents or adoptable child in any adoption proceeding, even if the attorney's motivations were of the highest order and he or she was acting in scrupulous good faith. Of course this would not apply to an attorney trained in social work or another field giving him or her the required expertise in the area of child placement.

---

[3] Id. at 50.

[4] See, Opinion #156, Sept. 1953, 38 Mich. S.B.J. 205 (May 1959), enclosed.

Lastly, Canon IX states: "A lawyer should avoid even the appearance of professional impropriety." Any attorney engaging in black market adoption activities will quite likely be in violation of this Canon even if technically, no other violation has taken place. Since by definition a black market is a non-legitimate market, an attorney's involvement in such an operation will have the appearance of impropriety.

In conclusion, it should be noted that other violations of the Code of Professional Responsibility are possible depending on the particular activities of the attorney. As explained during our telephone conversation, our search for cases involving disciplinary action against attorneys

---

5/ Elson & Elson, Lawyers and Adoption: The Lawyers Responsibility in Perspective, 41 A.B.A.J. 1125 (1955).

for their involvement in black market adoptions has not been completed. Following completion of this search, we will update this memorandum to include any additional violations of the Code of Professional Responsibility that are found.

Raymond Natter
Legislative Attorney

THE LIBRARY OF CONGRESS

*Congressional Research Service*

## PERTINENT STATE STATUTES CONCERNING CHILD PLACEMENT IN ADOPTION PROCEEDINGS

**ALABAMA**

It is unlawful under Ala. Code tit. 27, §7 for any person, organization or associations that have not been licensed to advertise or hold out inducements to parents to part with their children. It is also unlawful to knowingly become a party to the seperation of a child from its parents or guardian if such person is not licensed.

Ala. Code tit. 27, §2 provides that the department of public welfare shall make a thorough investigation upon the filing of a petition for adoption and report its findings in writing to the court.

**ALASKA**

Under Alaska Stat. §20.15.090, the petitioner in any proceeding for the adoption of a minor is required to file a full report of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioner in connection with the adoption.

Also under Alaska law the require consent in adoption proceeding must be executed in the presence of the court or in the presence of a person authorized to take acknowledgments. Alaska Stat. §20.15.060.

**ARIZONA**

Arizona law required that the petitioner in any adoption proceeding make a full accounting report of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioners in connection with the adoption. Ariz. Rev. Stat. §8-114.

Under Ariz. Rev. Stat. §8-126 no person, agency, association, corporation, society and etc. shall request, receive or accept any compensation directly or indirectly, for placing a child. This statute does provide for the payment of a fee based upon the cost of the services rendered but not in excess of amounts established by the state.

**ARKANSAS**

Under Arkansas law the court has the power to request that the Child Welfare Division conduct an investigation to ascertain why the natural parents desire to be relieved of the care of such minor, whether petitioners are morally fit to have the care, supervision and training of such person and etc. The result of such investigation shall be submitted in writting to the court. Ark. Stat. Ann. § 56-105.

Adoption of a child shall not be permitted without the written consent verified by affidavit of the parents or legal guardian. Ark. Stat. Ann. §56-106.

**CALIFORNIA**

All persons, organizations and associations that place children for adoption must be licensed by the State Department of Health. Cal. Civ. Code § 224q.

California law requires that petitioners in any proceeding seeking the adoption of a child shall file with the court a report of all disbursements made in connection with the adoption. Cal. Civ. Code § 224 r.

**COLORADO**

Other than attorney's fees, no person shall offer, give, charge or receive any money or thing of value in connection with the consent to adoption. Colo. Rev. Stat. § 19-4-115.

Under § 19-4-102 of the Colo. Rev. Stat., any parent desiring to relinquish his child shall petition the court. Upon receipt of the petition, the court shall set a time for a hearing. If after the hearing the court believes that it is in the best interest of the parties that no relinquishment be granted the action will be dismissed.

**CONNECTICUT**

No person, agency, association, corporation, institution, society or other organization, except a parent, an adult relative or guardian of any child, shall place out for adoption in any free, working or adoption house without a license obtained from the welfare commissioner. Conn. Gen. Stat. Ann. §17-49a.

## DELAWARE

Del. Code tit. 13, §904 provides that no petition for adoption shall be presented unless prior to the filing of the petition the chld sought to be adopted has been placed for adoption by an authorized agency or by the Department of Health and Social Services. Stepparents and blood relatives are exempt from this statute.

## DISTRICT OF COLUMBIA

D.C. Code § 32-782 provides that any person, firm, corporation, association, or public agency that receives or accepts a child and places or offers to place such child in a family other than that of a relative shall be deemed to be maintaining a child-placing agency. No child-placing agency shall be maintained without a license.

## FLORIDA

Under Florida adoption law, any fee over $500 paid to a person placing an infant must be approved by the court. Fla. Stat. Ann. § 63.097 and § 828.031 (West).

## GEORGIA

Section 74-421 of Ga. Code Ann makes it unlawful for any unlicensed child-placing agency to advertise that they will adopt children or place them for adoption or in any manner knowingly to become party to the separation of any child from its parents or guardians.

Section 74-410 also requires that the Department of Human Resources shall make a complete and thorough investigation concerning adoption petitions.

## HAWAII

No decree of adoption shall be entered unless a hearing has been held at which the petitioner has personally appeared before the court. After considering the petition and such evidence that may have been presented, the court may enter a decree of adoption if it is satisfied that the adoption will be for the best interest of the child and for other reasons. Haw. Rev. Stat. § 578-8.

## IDAHO

Before a child can be adopted in Idaho the director of the department of health and welfare shall make a thorough investigation of the matter and report his findings in writing to the court. If the report disapproves of the adoption, the court may dismiss the petition. Idaho Code § 16-1506.

## ILLINOIS

Ill. Ann. Stat. ch. 4, § 9.1-21 provides that no person, agency, association, corporation, institution, society or other organization, except a child welfare agency shall receive or accept, or pay or give any compensation for placing a child.

## INDIANA

In Indiana (with the exception of stepparents or blood relatives) no child shall be placed in a proposed adoptive home without prior approval by a licensed child-placing agency or a county department of public welfare. Ind. Code Ann. § 31-3-1-3 (Burns)

## IOWA

In order to relinquish rights and duties with respect to the permanent care of a child the parents must sign a written release of the permanent care and custody of the child to any agency licensed by the state director. Iowa Code Ann. § 238.26 (West).

## KANSAS

The state department of social welfare shall conduct an investigation of the advisability of the adoption and report its findings and recommendations to the court. Kan. Stat. Ann. §59-2278.

KENTUCKY

Under Kentucky law all persons other than a licensed child-placing agency or institution who wish to place or receive a child must make written application to the secretary for permission.

No person other than the department or a licensed child-placing institution shall place a child or act as intermediary in the placement of a child for adoption except upon written approval of the secretary. Ky. Rev. Stat. § 199.473.

No person not licensed may charge a fee or accept remuneration for the procurement of any child for adoption purposes. Ky. Rev. Stat. § 199.590.

LOUISIANA

After petition for adoption has been filed the department of public welfare shall study the proposed adoption and submit its findings to the judge. The findings shall include the moral fitness of the petitioner along with other advantages and disadvantages to the child. La. Rev. Stat. Ann. § 9:427 (West).

Before a final decree of adoption is entered the court shall take into consideration information from all sources concerning the adoption. La. Rev. Stat. Ann. § 9:432 (West).

MAINE

Upon the filing of a petition for adoption the court shall notify the Department of Health and Welfare which shall investigate the conditions and antecedents of the child to determine whether he is a proper subject for adoption and to investigate whether the proposed home is suitable for the child. Me. Rev. Stat. tit. 19 § 533.

MARYLAND

Under the Maryland statute it is unlawful for any agency, institution, or individual rendering any service in connection with the placement of a child for adoption to charge or receive any compensation for adoptive placement other than for hospital or legal services. Md. Ann. Code art. 16 § 83.

MASSACHUSETTS

No person shall place any child in the care or control of any other person not related to such child by blood or marriage, or in the care or control of any organization other than a licensed or approved placement agency, for purposes of adoption. Mass. Gen. Laws Ann. ch. 28A § 11 and ch. 210 § 11A.

MICHIGAN

Only a parent, guardian, a person related to a child by blood, marriage, or adoption, a licensed child placing agency, or a government unit may place a child for adoption. Mich. Comp. Laws Ann. § 722.124 and § 722.559.

MINNESOTA

If the child to be adopted is under 14 years of age and is not being adopted by a stepparent or a blood relative, that child must be placed for adoption by the commissioner of public welfare or a licensed child-placing agency. Minn. Stat. Ann. § 259.22.

MISSISSIPPI

At any time after the filing of the petition for adoption and prior to the entering of a final decree, the court may require an investigation and report concerning facts or circumstances which may be material to the propsed adoption. Miss. Code Ann. § 93-17-11.

MISSOURI

Under Missouri law, the approval of the court of the adoption shall be required and such approval shall be given or withheld as the welfare of the person sought to be adopted may, in the opoinion of the court, demand. Mo. Ann. Stat. § 453.030 (West).

MONTANA

Upon the filing of a petition for adoption the court shall order an investigation to be made by the state department of social and rehabilitation services for the purpose of determining circumstances and conditions which may have a bearing on the adoption and which the court should have knowledge. Mont. Rev. Codes Ann. § 61-209.

NEBRASKA

No person, other than a parent shall place, assist in placing, advertise a child for placement, or give the care and custody of any child to any person or association for adoption unless such person is licensed by the Department of Public Welfare. Neb. Rev. Stat. § 43-701.

NEVADA

No person who does not have in full force a license to operate a child-placing agency may request or accept, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption. Nev. Rev. Stat. § 127.290.

NEW HAMPSHIRE

In New Hampshire before any person, agency, corporation, or organization may bring any child into the state for the purpose of adoption must make application to the director of welfare. N.H. Rev. Stat. Ann. § 170-B:23.

NEW JERSEY

No person, including parents, firm, corporation, association or agency, other than an agency approved to place children for adoption, shall place, offer to place, or in any manner assist in the placement of a child for adoption and, in so doing, take, receive or pay any money or anything of value. N.J. Stat. Ann. § 2A:96-7 and § 2A:96-6.

NEW MEXICO

No petition for adoption shall be granted unless the child sought to be adopted was placed by the department, by the appropriate public authority of another state or by a child placement agency that is licensed. There are exception under the statute for relatives and stepparents. N.M. Stat. Ann. § 22-2-37.

OREGON

No private individual or unauthorized institutions, shall engage in child-placing work, except that relatives of the first and second degrees may place children of their own blood. Or. Rev. Stat. § 418.300.

PENNSYLVANIA

In connection with adoptions the court shall require a disclosure of all costs and fees of any type paid or to be paid to any person or institution in connection with the adoption, including the fees of any intermediary. Pa. Stat. Ann. tit. 1, § 424.

RHODE ISLAND

No person other than a parent, firm, corporation association, or agency shall place, offer to place, or assist in the placement of a child for adoption, unless they have been licensed by the department of social and rehabilitative services, or is a governmental child placing agency. R.I. Gen. Laws, § 15-7-1.

SOUTH CAROLINA

Upon the filing of a petition for adoption the court shall order an investigation to be made by the Children's Bureau. A report of the investigation shall include the conditions and antecedents of the child for the purpose of determining whether he is a proper subject for adoption and any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge. S.C. Code §10-2587.10.

SOUTH DAKOTA

The circuit judge must examine all persons involved in the adoption separately and if satisfied from such examination he must make an order declaring that the child thenceforth shall be the adopted child of the person adopting. S.D. Compilied Laws Ann. §25-6-13.

### OREGON

No private individual or unauthorized institutions, shall engage in child-placing work, except that relatives of the first and second degrees may place children of their own blood. Or. Rev. Stat. § 418.300.

### PENNSYLVANIA

In connection with adoptions the court shall require a disclosure of all costs and fees of any type paid or to be paid to any person or institution in connection with the adoption, including the fees of any intermediary. Pa. Stat. Ann. tit. 1, § 424.

### RHODE ISLAND

No person other than a parent, firm, corporation association, or agency shall place, offer to place, or assist in the placement of a child for adoption, unless they have been licensed by the department of social and rehabilitative services, or is a governmental child placing agency. R.I. Gen. Laws, § 15-7-1.

### SOUTH CAROLINA

Upon the filing of a petition for adoption the court shall order an investigation to be made by the Children's Bureau. A report of the investigation shall include the conditions and antecedents of the child for the purpose of determining whether he is a proper subject for adoption and any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge. S.C. Code §10-2587.10.

### SOUTH DAKOTA

The circuit judge must examine all persons involved in the adoption separately and if satisfied from such examination he must make an order declaring that the child thenceforth shall be the adopted child of the person adopting. S.D. Compilied Laws Ann. §25-6-13.

**TENNESSEE**

No person, corporation or agency, unless licensed, shall engage in placing children for adoption; and no such person or unauthorized corporation or agency shall be a party to an arrangement between prospective adoptive parents, and natural parents for the placement of children for adoption. Tenn. Code Ann. § 36-135.

**TEXAS**

No person may serve as a child care administrator unless he holds a child care administrator's license issued by the State Department of Public Welfare. Tex. Civ. Code Ann. art. 695a.

**UTAH**

Upon the filing of petition for the adoption of a minor child, if there is not filed therewith the written consent of a licensed child placing agency or the petitioner is not the spouse of the natural parent of the child named in the petition it shall be the duty of the department of social services to make a thorough investigation of the matter and report its findings to the court. Utah Code Ann. § 78-30-14.

**VERMONT**

The department of social and rehabilitation services or any charitable or religious corporation when properly licensed as a child placing agency, shall have the power to receive, for the purpose of obtaining for him a legal adoption. Vt. Stat. Ann. tit. 15 §432.

**VIRGINIA**

A licensed child-placing agency, or local board of public welfare may place for adoption, and is empowered to consent to the adoption of, any child who is properly committed or entrusted to its care when the order of commitment or the entrustment agreement between the parent or parents and the agency or board provides for the permanent separation of such child for his parent or parents. Va. Code §§63.1-204, 63.1-204 and 63.1-220.

**WASHINGTON**

Any unlicensed person, firm, corporation, association or agency which places a child or receives a child for adoption shall be guilty of a misdemeanor. Wash. Rev. Code. Ann. § 26.34.080.

WEST VIRGINIA

Between the time of the filing of the petition for adoption and the hearing thereon, the court shall cause a discreet inquiry to be made to determine whether such child is a proper subject for adoption and whether the home of the petitioner is a suitable home for such child. W.V. Code § 48-4-3.

WISCONSIN

No parent or guardian, except a licensed child welfare agency or public agency authorized to place children for adoption, may place a child for adoption without obtaining the written approval of the county court prior to placement, and no person shall receive a child into his home for adoption without such prior written approval. Wis. Stat. Ann. § 48.63 (West).

WYOMING

If the court shall be satisfied, after due investigation, thay any person proposing or agreeing to adopt any minor child is not a suitable person to assume the relations of parent, the court shall refuse to approve such adoption. Wyo. Stat. §§1-713 and 1-711

In addition to the statutes mentioned above the following states have adopted the Interstate Compact on the Placement of Children which is reproduced below: California, Colorado, Connecticut, Delaware, Florida, Illinois, Iowa, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Vermont, Washington, West Virginia and Wyoming.

Pages 387-442 (Appendix C, Law Review Articles) contain copyrighted material and are not available for reproduction.

"Black Market Adoptions." 22 Catholic Law; Winter 1976, p48-69.

"Independent Adoption: The Case for the Gray Market," by Daniel G. Grove. Villanova Law Review; v13, Fall 1967, p116-137.

"Lawyers and Adoption: The Lawyer's Responsibility in Perspective," by Alex Elson & Miriam Elson. A.B.A.J.; v41, Dec. 1955, p. 1125-28, 1177-78.

"Abolishing Baby Buying: Limiting Independent Adoption Placement," by Hon. Alfred L. Podolski. Family Law Quarterly; 1975, p.547-554.

"Moppets on the Market: The Problem of Unregulated Adoptions." Yale Law Journal; v59, 1950, p.715-736.

94th Congress } 1st Session

COMMITTEE PRINT

# FOSTER CARE AND ADOPTIONS: SOME KEY POLICY ISSUES

---

PREPARED FOR THE

SUBCOMMITTEE ON CHILDREN AND YOUTH

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

AUGUST 1975

Printed for the use of the Committee on Labor and Public Welfare

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1975

91-279 O - 77 - 29

## COMMITTEE ON LABOR AND PUBLIC WELFARE

HARRISON A. WILLIAMS, Jr., New Jersey, *Chairman*

JENNINGS RANDOLPH, West Virginia
CLAIBORNE PELL, Rhode Island
EDWARD M. KENNEDY, Massachusetts
GAYLORD NELSON, Wisconsin
WALTER F. MONDALE, Minnesota
THOMAS F. EAGLETON, Missouri
ALAN CRANSTON, California
WILLIAM D. HATHAWAY, Maine

JACOB K. JAVITS, New York
RICHARD S. SCHWEIKER, Pennsylvania
ROBERT TAFT, Jr., Ohio
J. GLENN BEALL, Jr., Maryland
ROBERT T. STAFFORD, Vermont
PAUL LAXALT, Nevada

Donald Elisburg, *General Counsel*
Marjorie M. Whittaker, *Chief Clerk*
Jay B. Cutler, *Minority Counsel*

---

### Subcommittee on Children and Youth

WALTER F. MONDALE, Minnesota, *Chairman*

HARRISON A. WILLIAMS, Jr., New Jersey
JENNINGS RANDOLPH, West Virginia
EDWARD M. KENNEDY, Massachusetts
GAYLORD NELSON, Wisconsin
ALAN CRANSTON, California
WILLIAM D. HATHAWAY, Maine

ROBERT T. STAFFORD, Vermont
ROBERT TAFT, Jr., Ohio
J. GLENN BEALL, Jr., Maryland
PAUL LAXALT, Nevada

A. Sidney Johnson III, *Professional Staff Member*
John K. Scales, *Minority Counsel*

# CONTENTS

Page

Letter of Transmittal ..... V
Foreword ..... VII
Introduction ..... IX
Acknowledgments ..... XI
- I. Summary ..... 1
  - A. Findings ..... 1
  - B. Summary of Recommendations ..... 3
- II. Issues in Foster Care ..... 5
  - A. A Perspective on Foster Care ..... 5
  - B. Foster Care: Trends and Problems ..... 6
    - 1. A Definition of Foster Care ..... 6
    - 2. The Foster Care Process ..... 7
    - 3. The Prevalence of Foster Care ..... 7
    - 4. Information on Foster Care ..... 8
  - C. Programmatic Issues in Foster Care ..... 8
    - 1. Need for Services to Prevent Breakup of Families ..... 8
    - 2. Inadequacy of Services to Families during Periods of Difficulty ..... 9
    - 3. The Length and Instability of Foster Care Placements ..... 11
    - 4. Caseloads and Social Worker Turnover ..... 14
    - 5. Losing Children in Foster Care ..... 15
    - 6. Problems of Special Needs Children ..... 16
    - 7. The Shortage of Foster Homes ..... 17
    - 8. The Cost of Foster Care ..... 17
  - D. Interagency Issues in Foster Care ..... 18
- III. Issues Concerning Adoption ..... 20
  - A. Trends and Problems ..... 20
    - 1. Adoption Trends ..... 20
    - 2. The Adoptive Process ..... 20
    - 3. Independent and "Black Market" Adoptions ..... 21
    - 4. Adoption of Special Needs Children ..... 21
  - B. The Potentially Adoptable Child ..... 22
  - C. Placing the Potentially Adoptable Child ..... 22
  - D. Barriers to Placing the Potentially Adoptable Child ..... 24
    - 1. State Laws and Court Practices ..... 24
    - 2. Parental Rights ..... 24
    - 3. Cultural Considerations ..... 25
    - 4. Unavailability of Services ..... 25
- IV. Summary of Current Law ..... 26
  - A. Title IV-A and XX ..... 26
  - B. Title XX ..... 27
  - C. Title IV-B ..... 27
  - D. Medicaid ..... 28
  - E. Supplemental Security Income ..... 28
  - F. Developmental Disabilities Act ..... 28
- V. Policy Issues ..... 30
  - A. Questions to be Considered ..... 30
    - 1. What are the rights of children and how do they weight the balance with the rights of others? ..... 30
    - 2. Should the rights of children be considered in isolation from those of the family? ..... 31
  - B. Goals for Adoption and Foster Care Legislation ..... 31
  - C. Legislative Proposals ..... 32
    - 1. Tax Bills ..... 32
    - 2. Opportunities for Adoption Act ..... 32

Recommendations ..... 35
Bibliography ..... 40

## LETTER OF TRANSMITTAL

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN
JENNINGS RANDOLPH, W. VA.
CLAIBORNE PELL, R.I.
EDWARD M. KENNEDY, MASS.
GAYLORD NELSON, WIS.
WALTER F. MONDALE, MINN.
THOMAS F. EAGLETON, MO.
ALAN CRANSTON, CALIF.
WILLIAM D. HATHAWAY, MAINE
JACOB K. JAVITS, N.Y.
RICHARD S. SCHWEIKER, PA.
ROBERT TAFT, JR., OHIO
J. GLENN BEALL, JR., MD.
ROBERT T. STAFFORD, VT.
PAUL LAXALT, NEV.

DONALD ELISBURG, GENERAL COUNSEL
MARJORIE M. WHITTAKER, CHIEF CLERK

United States Senate
COMMITTEE ON
LABOR AND PUBLIC WELFARE
WASHINGTON, D.C. 20510

July 25, 1975

Honorable Harrison A. Williams
Chairman
Committee on Labor and Public Welfare
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

As you know, during the 93rd and 94th Congress, the "Adoption Opportunities Act," introduced by Senator Cranston, was referred to the Subcommittee on Children and Youth.

The referral of this legislation prompted a Subcommittee inquiry into the broad questions of Federal policy relating to adoption and foster care in this country. The Subcommittee has already held hearings on two aspects of adoption and foster care: the problem of babyselling, and adoption of children with special needs.

We have been impressed with the complexity of the issues and legislation relating to adoption and foster care and with the immense impact that they have on the lives of thousands of American children.

For these reasons I requested that a report be prepared which would identify some of the key policy questions and propose possible solutions to them. This report, "Foster Care and Adoption: Some Key Policy Issues," was prepared by a Subcommittee consultant, Paul Mott. Mr. Mott is a sociologist who, as a former official at the Social and Rehabilitation Service of HEW, headed inter-agency children's programs.

The report outlines recent trends in the area of foster care and adoption, including the reduction in the number of so-called "normal" infants available for adoption, and the new and successful attempts to place handicapped and older children in adoptive homes. It also analyzes the Federal laws which affect children in adoption and foster care and proposes some possible new legislation.

While I do not endorse all the conclusions and recommendations contained in Mr. Mott's report, I believe it is a valuable summary of the program and policy issues involved in the field.

For that reason, the Subcommittee would like to circulate this report widely and hopes that persons interested in and concerned about these matters will read the report and make their views on it known to us.

We are planning to continue our hearings on these subjects later in this session of Congress. Other issues we hope to examine are: whether existing Federal policy on adoption and foster care serves the best interests of children and families, and, if not, how the laws should be changed; and effectiveness of current practices relating to adoption of children from other countries.

I believe that Mr. Mott's report will be most helpful to the Subcommittee and to the public in progressing in this work, and therefore request your authorization for its printing.

Sincerely,

Walter F. Mondale

Walter F. Mondale

*Chairman, Subcommittee on Children and Youth.*

## FOREWORD

More than 300,000 children in this country are in foster care—living with families or in institutions with no guarantee that they will ever have a stable, permanent home before they grow up. At the same time, many thousands of American families are eager and qualified to adopt youngsters who need a home. Experts believe that many youngsters who are traditionally adopted could be placed with a family if the necessary guidance, support and encouragement were provided.

I am pleased that the Subcommittee on Children and Youth has undertaken a study of how we can best provide for these children, and I hope that publication of this report will help to clarify the issues which must be confronted.

Harrison A. Williams, Jr.,
*Chairman.*

# FOSTER CARE AND ADOPTIONS: SOME KEY POLICY ISSUES

REPORT PREPARED BY PAUL E. MOTT, PH. D.

WITH THE ASSISTANCE OF

RICHARD VERVILLE

AND

EVELYN ROTH FOGARASI

## ACKNOWLEDGMENTS

The discussion of the legislative, regulative, and judicial issues in Part IV of the paper was prepared by Richard Verville, an attorney with the firm of White, Fine, and Verville in Washington, D.C. The data for the rest of the paper were researched by Evelyn Roth Fogarasi. I am grateful to the Child Welfare League of America for the generous use of its library which greatly speeded the process of gathering the data for this paper and to many staff members in the Social and Rehabilitation Service, DHEW, and the Office of Child Development, DHEW for providing much of the data for this study. The issues and ideas presented in this paper are the result of years of work and discussion with a great many people who are practitioners in the field of foster care and adoptions: far too many to be acknowledged here. A few, however, made major or continuing contributions to those discussions. They are Beatrice Garrett, Office of Child Development, DHEW; Peter W. Forsythe, the Edna McConnell Clark Foundation; and Joseph H. Reid, Child Welfare League of America. While all of these people made major contributions to my thinking in this area, none of them is responsible for the observations and positions taken in this paper. I also wish to thank Linda Finkelstein for her editorial assistance.

PAUL E. MOTT.

# I. SUMMARY

## A. FINDINGS

1. *Over a third of a million young people are currently in foster care—either in institutions, group homes, or foster family homes—and the number has been increasing steadily over the last decade.*—Most of the children come from broken families with relatively low incomes. Typically, children enter foster care because their parents are ill, neglectful, abusive, or unable to handle them or because they are abandoned. Some children enter because their behavior is delinquent or because they are handicapped in some way.

2. *Discussions between biological parents and case workers about the care children receive are likely to be infrequent and one-sided.*—Mothers have reported that they were not consulted about alternatives to foster care for their children and that they had no say in the selection of the foster home for the child. (In a Massachusetts study of foster care, 75 percent of the mothers interviewed said that they would never allow another child of theirs to go into foster care.)

3. *Foster care is marked by impermanence for the child.*—Although foster care is often intended to be temporary, the child is likely to stay there for 4–6 years and change foster homes 2–3 times. Among the children in foster care on any given day, it is estimated that 50 to 85 percent will spend the rest of their years to maturity in foster care. Nonetheless, foster parents have usually been prohibited from developing close emotional ties with the children placed in their care.

4. *The longer a child stays in foster care, the less likely he or she is to return to the natural parents or be adopted.*—Once children are placed in foster care, their chances of seeing their parents decline greatly. While many parents have intentionally left their children on the doorstep of foster care, others claim that they are discouraged from seeing their children by the case workers, the foster parents, or the distance they would have to travel to see them. Despite this great reduction in contact, only about one-third of the children who will not return to their families are available for adoption for a variety of reasons, including failure by the agency to initiate the necessary court actions or refusal of the parents to relinquish permanently their rights to the children. But even for the estimated 90–100,000 foster children who are available for adoption, few are adopted. This is because they are too old, are from minority families, have physical or mental handicaps, or are part of sibling groups. These special needs children usually carry the label of "hard-to-place" or "unadoptable"—labels that have affected the actions of the agencies responsible for them, often making them unwilling to attempt to place them in adoptive homes.

5. *Children very often drift or get lost in foster care.*—Sometimes the condition that precipitated the child's entry into foster care has been removed, but the child does not return to his or her biological

parents. This occurs when the parents do not want the child back or when they believe the child has been taken from them permanently. Sometimes agencies do not know about the changed condition either because the child has no case worker at the time or because heavy caseloads make it difficult to keep track of what is happening to a particular child and his or her parents.

6. *Caseloads are large in the social service field.*—Commonly, a social worker will have 50 to 150 clients, reflecting the unwillingness of most political jurisdictions to invest sufficient resources in the social services. The consequences for children are that they often do not get the attention they need, they drift in foster care, and adoption procedures are not initiated or completed for them. For the social workers it means working from crisis to crisis and, very likely, an early exit from case work.

7. *Many of the children in foster care could have been cared for in their own homes had homemaker or day care services been available or used.*—However, these services often are not available. (This fact is reflected in budget data: in 1972 little more than $119 million was spent on homemaker services compared with $712.5 million for foster care.)

8. *In-home and adoptive care are the most cost-beneficial forms of care.*—Foster family care costs approximately twice as much as care in a family on low income and institutional care costs at least twice as much as foster family care.

9. *There are dramatically fewer babies available for adoption today than a decade ago.*—The classic preference for healthy, white babies is far less likely to be fulfilled because of the increased willingness of single parents to keep their own children and the declining birth rate due to family planning and abortion. Today increased attention is turned toward the needs of children waiting for parents. Some states and communities have successfully demonstrated ways of placing the special needs children in their care, but these efforts are still the exception rather than the rule. Only 4 percent of the children placed for adoption in 1971 were over 5 years old.

10. *Because adoptable babies are becoming difficult to locate and because of the chaos caused by recent court rulings and resulting new procedures and regulations about the rights of unwed fathers, more adoptions are being made through private channels.*—(In 1971, 21 percent of non-relative adoptions were processed by independent adoption agencies and agents). The demand for babies for adoption is so much greater than the supply that black markets have developed in which women are paid either to have children or for the children they have had. The ability of prospective parents to pay the broker's fees is often the determining factor in the decision to find a child for them. Generally no investigation is made of their ability to care for a child.

11. *Much of the legislation concerning child welfare creates many problems in the process of solving others.*—Despite the value of in-home services for children, the services provisions of Title IV–A of the Social Security Act emphasize foster care and do not mention adoption services, thereby trapping many children. Also under Title IV–A a foster family is paid more for the care of a child than the biological parents are even though financial problems may have been one of the reasons for the family breakup. This fact has been used

cynically by some people to keep foster care rates down rather than as a reason for increasing family allowances. On October 1, 1975 the services provisions of Title IV–A will be supplanted by Title XX of the Social Security Act. If the States make real efforts to implement the goals of Title XX, then foster care will be deemphasized in relationship to adoption and in-home services. But there is nothing in Title XX that addresses the problem of higher payment rates for foster care than for care by the biological parents.

12. *Many of the problems in existing legislation can be traced to the piecemeal way in which it is created.*— Inconsistencies exist between such laws as Titles IV–A, IV–B and XX of the Social Security Act. Title XIX (Medicaid) of the Social Security Act, the Child Abuse Prevention and Treatment Act, and the Developmental Disabilities Act. One reason for these gaps, inconsistencies, and barriers in the law is that they are created or acted upon by different committees of Congress. No one committee in either the House or the Senate has the responsibility for overseeing all legislative efforts in the child welfare area.

13. *This fragmentation is mirrored in the Executive Branch*— Programs for children are scattered among a variety of agencies. Joint action among these agencies is the exception rather than the rule. One impact of this administrative fragmentation has been the very serious diminution of child welfare programs in the states.

## B. Summary of Recommendations

1. Greater emphasis must be given to the rights of children: Their most fundamental rights being permanence, stability, continuity and nurture during the developmental period of their lives.

2. A basic legislative goal should be to increase the proportion of children in stable family settings by:

Increasing the resources and competencies of families to cope with their problems in order to prevent the unnecessary separation of children from their families;

Identifying family problems and possible breakup early and mobilizing resources to prevent breakup in those situations where the prevention of breakup is desirable and possible;

Mobilizing services to restore broken families as viable units as quickly as possible where appropriate;

If restoration of the family within a time period relevant to the child's needs is not possible or appropriate, freeing the child for adoption as quickly as possible and placing him or her in a suitable adoptive home; and

Completing and implementing a stable foster care plan if, within a time period relevant to the child's needs, the child cannot or should not be restored to his or her original home or placed for adoption.

3. There is a need for comprehensive legislation in the child welfare area. The following strategies should be pursued:

(A) Examination of existing laws and regulations affecting children away from their own homes to identify those features that inhibit the achievement of basic goals for children. Amendment of those laws and regulations which deny children their fundamental rights.

(B) Amendment of existing laws and regulations to incorporate new elements that will help to achieve goals for children.

(C) Amendment of current legislative proposals that are relevant to child welfare to make them compatible with the goals recommended in (2) above.

(D) Development of new legislation for foster care and adoption.

4. A greater concentration of administrative responsibility for child welfare legislation is recommended.

5. A new "balanced" relationship should be developed through law and administrative practice in which the federal government emphasizes the development of national priorities in the child welfare area, leaving states and localities the basic responsibility for implementing those priorities.

(4)

## II. ISSUES IN FOSTER CARE

The first part of this chapter gives an overview of the major trends and problems in services to children in need of foster care and adoption. In the sections that follow the policy implications of these trends and problems will be explored in greater depth

### A. A Perspective on Foster Care

Any description of the conditions and issues in foster care makes sense only if it can be understood from a point of view or perspective. Obviously, different people will have different perspectives for interpreting the same information, whether in the area of foster care and adoption or anything else. In this section, one perspective is described that can be used to interpret the issues and problems in foster care. This perspective did not originate with this writer; it is a point of view that has won support from an increasing number of professionals in the child welfare area. In fact, it is a view that probably is shared by most professionals today. It has two essential elements.

First, amid all of the discussions about the rights of natural parents, adoptive parents, and more recently, unwed fathers, there must be some recognition of the rights of children, and, perhaps their rights should be given primacy over the others. Central to the rights of a child are the rights to permanence, stability, continuity, and nurture during childhood. Whether the parent be adoptive, biological or foster, it is important that there be some psychological parent-child relationship that provides to the extent possible the quanties just described. As the authors of the book 'Beyond The Best Interests of the Child," put it:

> Only the child who has at least one person whom he can love, and who also feels loved, valued, and wanted by that person, will develop a healthy self-esteem. He can then be confident of his own chances of achievement in life and convinced of his own human value. Where this positive enviromental attitude is missing from the start, the consequences become obvious in later childhood and adult life. They take the form of the individual's diminished care for the well-being of his own body or for his physical appearance and clothing, or for his image presented to his fellow human being. What is damaged is his love and regard for himself, and consequently his capacity to love and care for others, including his own children.

Secondly, if it is agreed that children need a stable, nurturant parent-child relationship, it follows that a major goal in the child welfare area ought to be to increase the proportion of young people who are in stable family settings. This goal can be achieved by:

Increasing the resources and competencies of families to cope with their problems in order to prevent the unnecessary separation of children from their families;

Identifying family problems and possible breakup early and mobilizing resources to prevent breakup in those situations where the prevention of breakup is desirable and possible;

Mobilizing services to restore broken families as viable units as quickly as possible where appropriate;

Freeing the child for adoption as quickly as possible and placing him or her in a suitable adoptive home, if restoration to the family within a time period relevant to the child's needs is not possible or appropriate;

Completing and implementing a stable foster care plan if, within a time period relevant to the child's needs, the child cannot or should not be restored to his original family, or cannot be placed for adoption using all available techniques to do so.

The major emphasis in these goals is on giving stability and permanence to the life of the child. The goals are also hierarchial in that preference should ordinarily be given first to preserving the biological family; second to creating adoptive families; and third to placing children in stable foster homes. These preferences emerge from the available evidence on the benefits of different types of family arrangements—evidence that suggests that biological and adoptive families are about equally beneficial for children and generally superior to existing foster care.

However, there are important exceptions to these generally stated preferences. For example, because of some deep-seated unresolvable problems, some families probably should break up and the children be placed elsewhere. Certainly if the children are in danger of physical abuse from their parents, they should be removed from that danger. Also, some children, because of their age or other problems, ought to be in foster care. There is some evidence that older teenagers who lose their families do well in group homes where there are other teenagers. And, for some children with serious physical or mental problems, institutional care may be the treatment of choice for some periods of their lives.

But, while all of these options have their merits, the fact is that the largest share of our available resources is allocated to providing foster care rather than supporting the biological family or placing children for adoption. The quality of American foster care, therefore, must be examined.

## B. FOSTER CARE: TRENDS AND PROBLEMS

### 1. A DEFINITION OF FOSTER CARE

Foster care, as herein defined, is 24-hour care provided outside a parental home for children who enter the system through either the child welfare or the juvenile justice system. Such children are judged to be dependent, neglected, persons in need of supervision, unmanageable, delinquent, abused, or abandoned.

Foster care is defined differently by specialists in the field. Some define foster care as including only children who are in foster family care. Our definition is broader and includes those who are in group homes and institutions for the preceding reasons. Some practitioners use the term "substitute care" to refer to this broader form of foster care, reserving the term "foster care" to mean foster family care. Others expand the definition to include those who are so severely mentally or physically ill that they are placed in institutions for long term care. Because the problems of this last group of children are sufficiently different from those that we have defined in foster care, we have not included them in our definition.

The client system of foster care includes the biological, adoptive and foster families of children in 24-hour care.

### 2. THE FOSTER CARE PROCESS

A child may enter the foster care system through either the child welfare or the juvenile justice system, or both. Often a parent becomes ill, requiring hospitalization, and asks an agency to provide temporary care for the children. Another common chain of events leading to a child's entry into foster care occurs when a social worker who has been assigned a family determines that the home is not suitable for the child or that he or she is being neglected or abused. Usually a court determination is required to evaluate the worker's diagnosis before the child can be removed from the home. Sometimes neighbors report to the police that a child has been abused or abandoned and the case is referred to a child welfare agency.

The courts become directly involved if a child is accused of committing illegal acts. Before a Title IV—A eligible child can be placed in foster care, court approval must be secured.

### 3. THE PREVALENCE OF FOSTER CARE

Approximately 330,373 children were in foster care in 1971. 260,430 of these children were in foster family homes, 5,640 in group homes and 64,303 were in institutions (1). Although more recent figures are not available yet, it is likely that these are still close to the current totals and that the distribution among types of foster care facilities is essentially the same as it was in 1971. The changes that have occurred in foster care between 1960–1971 are reflected in the following table:

TABLE 1.—TRENDS IN FOSTER CARE, 1960–71

| | Number of children in care | |
|---|---|---|
| | 1960 | 1971 |
| **Institutions** | 83,000 | 64,303 |
| **Group Homes** | 158,900 | 5,640 |
| **Family Homes** | | 260,430 |
| **Total** | 241,900 | 330,373 |

The number of children in foster care has risen. (The proportion of children in foster care to the total population of children has also risen: 3.7/1,000 in 1960 and 4.5/1,000 in 1969. In some places, such as New York City, the ratio is 10 children in foster care per thousand children (5).)

Institutional foster care is used most heavily in the private sector and in many states is being phased out in the public sector. Conversely, greater use is being made of foster family care and group homes today, especially in the public sector.

Considerable investment in bricks and mortar makes responsive and timely changes in the foster care area difficult.

### 4. INFORMATION ON FOSTER CARE

The quality and timeliness of the data available on foster care are very poor. Federal data are collected sporadically and are not sufficiently refined and detailed to be useful for anything other than showing the basic trends in the field. Further, state reports provide data of questionable validity and timeliness; it is not unusual for a state to miss a reporting deadline by 6 months or more. Some states are 18 months overdue in their reports and a few never report at all. Federal social service data are, therefore, an uncertain blend of estimates and facts which make them of dubious value. Finally, neither current federal reporting nor analysis links cost data to the services provided, making it impossible to make important allocation decisions unless special studies are done.

Special studies provide the most reliable information on foster care and adoptions. Unfortunately, the last national sample study of foster care (The Jeter Study ([illegible])), was made in 1961 and while of good quality, the findings cannot be used as a basis for current conclusions and policy determinations. Three state studies (referred to hereafter as the Massachusetts (14), California (24), and Illinois studies (25), offer useful data. Other special studies are also utilized (see Bibliography), but since they usually use small population samples, it is important not to generalize too much from them.

Since policies formulated on faulty data are quite likely to be in turn faulty, it is important that means be found to obtain timely and valid national data on developments in the foster care and adoptions area. In this report we have avoided small studies of extremely limited applicability and those that used questionable methodologies.

## C. PROGRAMMATIC ISSUES IN FOSTER CARE

### 1. NEED FOR SERVICES TO PREVENT BREAKUP OF FAMILIES

Marital breakdown is the major underlying reason that children are placed in foster care. Our society generally witnesses widespread marital upheaval. Approximately 15 percent of all marriages end in divorce. Among younger couples, approximately one marrige in three ends in divorce. Desertion swells the number of broken homes by an additional 25 percent.

At the present time in the United States, there are 4.1 million young people between the ages of 16 and 24 who could have completed high school but who did not and who are currently not in school. Two-thirds of these young people are women. They are inclined to marry early and whether married or not, to have children early. In 1971, 639,521 females age 19 and under gave birth; 11,578 of these births were to girls under the age of fifteen. Moreover, 143,418 of the total were not first children. Almost one-third (203,600) of the births to this age group were illegitimate and many chose to give the children up for adoption, although increasing numbers of unwed mothers are keeping their children (28).

While services are needed by all income groups, the need is most acute among economically marginal families that are increasingly looking for substitute care systems for their children. The poor and near poor often face severe financial burdens that frequently strain marital relationships. If the wife is ill, there are fewer resources available to her than to her middle class counterpart for the care of her children. Counseling assistance is hard to find and existing resources are usually overtaxed. Additionally, since the chances of premature birth, birth defects, physical handicaps and mental retardation are higher among the economically deprived, the poor are more likely to produce children in need of special care.

Assisting families to improve their abilities to deal with marital problems, therefore, requires broad solutions that go to the heart of the issues of poverty in this country. Stabilizing employment for the marginally educated youngster is a necessity if family financial burdens are to be eased. Job training and family subsidies are two other methods of shoring up the financially troubled family.

The availability of family planning information and services would also help some families avoid the strain of unwanted children. Such services are available under Titles IV–A and XIX of the Social Security Act and currently it is estimated that they are being used by 2.8 million people (35 percent of those eligible under Title IV–A and 20 percent under Title XIX) (7). A comparatively recent innovation is parenting education in the secondary school system. Model programs have been designed by the Office of Education and are being adopted in some school systems. An interesting feature of the model programs is the provision of opportunities to work with small children. High school participants in these programs spend part of their time assisting in day care centers, nursery schools, and other facilities that care for small children. The programs also provide information on where a married couple can go in the community to get help if marital difficulties should develop. However, this program only reached 6,000 young people during the 1973–1974 school year.

### 2. INADEQUACY OF SERVICES TO FAMILIES DURING PERIODS OF DIFFICULTY

Many of the children placed in foster care could be cared for in their own homes or placed in adoptive homes. Yet, in large part, because foster care is the most available and convenient option, alternatives that would insure nurture and permanence for the child are not pursued. According to a report issued by the California Department of Social Welfare:

> Statistics show that exploration of alternatives is often delayed until *after* (italics the author's) the child enters foster care. There seems to be a reluctance by placement workers in applying a particular alternative to a particular case. In many instances, it appears that placement was the path of least resistance and problems—except for the child. Many children are placed and live in foster care unnecessarily. These are children for whom an appropriate alternative could have been selected or at least identified at the point foster care was requested, i.e., at intake. (24, p. 24)

Often more help is available during the initial crisis period than thereafter when parents could be helped in preparing for their children's return. As the California report concluded:

> Once the immediate pressure of the family situation is removed by the placement of the child, the parents are not usually constrained by the agency to resolve the problems so that the child may be returned to the home promptly. One family crisis has now deteriorated into three complex problems—the child's short and long-range future, his relationships with the foster parents and the worker, and the relationship of these with the natural parents. (24, p. 14)

The Massachusetts study shows that subsequent to their children's placement in foster care, 31 percent of the parents never had contact with the case worker again and 57 percent had had no contact for six months.

This situation is made more acute by the fact that contact between natural parents and their children typically ends or decreases substantially following foster placement. Frequently, contact is discouraged by the agency, the foster parents or the distances between the residences of the natural and foster parents. In the Massachusetts study, less than 30 percent of the children in care had seen either of their parents in the six months previous to the study. The California study showed a similar pattern of non-visiting. Social workers generally report that the major reason for the lack of contact between parent and child is *de facto* abandonment, but many mothers who rarely see their children report that the social worker or the foster parents discouraged them. (14).

Frequently, parents are ambivalent about placing their children in foster care, but, in the absence of needed services and assistance, a foster care decision is made. Such a decision can have the effect of resolving parental ambivalence on the side of *de facto* abandonment of the child. In the Massachusetts study of children in foster care, 30 percent of the natural parents sampled felt that the provision of needed services would have made foster care placement unnecessary. In addition:

- 23 percent felt that placement could have been avoided if they had been able to receive quicker or more family counseling.
- 17 percent said that a homemaker would have prevented placement.
- 29 percent stated that the availability of day care would have prevented placement.

They also reported that virtually no consideration was given to ways of keeping their children at home.

That many of the children placed in foster care could have been cared for in their own homes or placed for adoption has been documented in other studies. The California Study included interviews with foster parents, half of them claiming that placement of the children they were caring for in foster care could have been avoided. Of those avoidable placements, it was felt that family counseling, child care, and homemaker services—in that order—would have been the most effective services to provide to the family. In another study of 229 children in foster care, it was estimated that 143 could have remained in their own homes if more appropriate services had been available (27). Only 46 of the children were judged to require placement outside of the natural family.

In their study of 891 children in care, Jenkins and Sauber (16) took 891 children who came to New York City public agencies during a one month period and asked caseworkers to judge whether or not each child could have been maintained in his or her own home. In 34 percent of the cases, the case workers said that the child could not have been maintained in his or her own home. But when the reasons were examined, it was found that in one-third of the cases the child could have been kept at home if financial assistance had been available and in almost one-half of the cases the child could have been kept at home if homemaker services were available.

However, the fact is that foster care is *the* available service and even it is usually in short supply. The other service alternatives simply have not been developed to the point where they have become convenient, available tools to the caseworker. Just a few years ago, for example, there were more homemakers in Stockholm, Sweden than there were in the entire United States. That situation is changing, but slowly.

The provision of in-home services is only one way of preventing family breakup or restoring the family once breakup has occurred. Another method utilizes early warning signals that indicate that a family breakup is likely to occur.

Family dissolutions seldom occur suddenly. Usually the signs of breakup can be found in a family at least a year before it occurs (16). If the best indicators of breakup could be collected and made available to professionals who work with families, appropriate services could be used to salvage the situation before it deteriorates further. Clergy, physicians, and school teachers are examples of people who could use these indicators and, when necessary, get help for families if they wish it. The potential is obvious for the use of such programs as Early Periodic Screening, Diagnosis, and Treatment under the Medicaid Program, in day care programs, and in Head Start. The issues concerning the rights to privacy and confidentiality would have to be considered and, in the end, such considerations may lead to a decision not to use early warning indicators in such programs. But they do deserve a careful examination.

### 3. LENGTH AND INSTABILITY OF FOSTER CARE PLACEMENTS

The longer a child stays in foster care, the less likely he or she is to return to the natural home and the lower the probabilities of adoption. Maas and Engler, studying 9 selected communities in 1957–58, found that 28 percent of the foster children were in care for at least 5½ years (20). In Massachusetts, 40 percent of the children in care in 1971 had been there for at least five years. Only 3 percent of children placed in foster care were discharged in less than 2 years, 4 months.

In California, 39 percent of the foster children were in care for 5 years or longer. Jeter reported that 23 percent of the children placed by voluntary agencies and 31 percent placed by public agencies were in care for six years or more. And the only plan the public agencies had for two-thirds of the children in their care was to continue their placement.

In New York City, Fanshel found that although 77 percent of children were placed initially for temporary, 90-day care, 46 percent were still in care 3½ years later. He summarizes the situation:

> The major exodus out of care occurs during the first year after entry, when three out of ten children leave. Thereafter, there is a rapid decline in the number of children discharged so that at the end of three years it has become only a modest outflow and most of the children then in care seem destined to spend their remaining years of childhood as foster children (9, p. 80).

Maas did a follow-up study 10 years after his original report to determine the differences between long- and short-term foster children. By this time, 31 percent of the children had been in care 10 years or more. He found long-term foster children were, for the most part, of low intelligence, non-white, Catholic, and likely to have a physical handicap (19). Agency treatment for the children did not differentiate between long- and short-term foster care placement, but he found that 73 percent of the parents of long-term foster care children had little or no agency treatment, 55 percent having no contact at all with the agency as of 1967 (19).

Not only are many children remaining in foster care for a long time, but a great number of them are experiencing further disruption by repeated placements. Jeter reported that although 40 percent of the foster children had only one placement, ⅙ had 4 or more placements. Maas and Engler reported 4 or more placements for at least 25 percent of the children surveyed. The Massachusetts study found that approximately 25 percent of the children had had at least three foster homes.

In 28.5 percent of the cases surveyed in the California report it was not known how many placements a child had experienced. In cases with available information, 64.3 percent of the children had 2 or more placements. The length of stay in a current placement was 5 years or longer for 25 percent of the children. In 15.6 percent of the cases it was not known how long the child had been in the present placement.

Measured against the standard of assuring the child permanence, stability, and continuity in his life, these statistics suggest that something less than the ideal is experienced by too many children. The child's needs for nurture and a psychological child-parent relationship are also threatened. They are threatened not only by the number of moves that the child makes but also by the requirements that historically have been imposed by agencies on foster parents.

Most agency agreements with foster parents contain two key provisions: (1) that the child is placed in the home temporarily for board and care and not for purposes of adoption by the foster parents, and (2) that the agency can remove the child from the foster home at any time (12). The obvious lesson for foster parents is: don't develop strong emotional ties to the child. In fact, the perception that a foster family was developing emotional attachments to a child has been a common basis for removing him or her from the home. These rules may have some validity if the placement is, in fact, a temporary one. But, if the placement is really a short-term one, why aren't at-home services provided instead?

And, for most children in foster care for a period of years, the strictures against emotional attachments are not in his or her best interests. The attitudes of many child welfare officials are beginning to change with the recognition that foster parents are a major adoption resource for the long-term foster children in their care, provided subsidies can be given. Nevertheless, the old attitudes still persist in many places.

A number of solutions have been proposed to stabilize and increase the duration of foster care placements. One approach is to require (by law or regulation) that in-home services be provided to the family for a specified number of days prior to the removal of the child from the home and continued for a specified number of days after the child has been removed. This would not be done in cases where it clearly would be deleterious to the child's well-being to leave him or her in the home, even with outside service provided. This approach has the advantage of forcing administrators to reallocate budget dollars away from foster care into in-home services. A possible negative feature of this approach is that the worker who conscientiously tries to carry out this legal mandate may err occasionally on the side of leaving a child in the home from which he or she should have been removed.

Making the case management system more goal-oriented is another way to handle the problems of length of stay and instability in foster care. In this approach, the case worker is required to establish goals for the child and his or her family and to develop a service plan designed to assure that the goals will be achieved. The service worker has to make a determination about whether the child should be kept in his own home with the appropriate support services, freed for adoption, or placed in a permanent foster home. The case worker also schedules the essential services and sets a target date for achieving the goal or goals.

While they are still the exception, goal-oriented systems are being used by some agencies. The Child Welfare Information System in New York City, the Child Record System of the Edwin Gould Services for Children, the CHILDATA system used by four agencies in Chicago and the Child Care and Placement Information System in Michigan are examples of such systems.

A third approach is to mandate by law or regulation that there be periodic court and/or agency review of each child welfare case to assure that a child is being cared for properly. Such reviews are not common at the present time, the time periods between reviews are usually too long, and in many cases, there are questions about the vigor and objectivity of these reviews.

In view of the fact that the longer a child remains in foster care, the less likely he is to return home or be adopted, reviews should occur at least every six months during the first two years of foster care and, if the child's situation has stabilized, possibly less frequently thereafter.

A related legal approach suggested by some would be to provide a mechanism to terminate parental rights when there is evidence that the parents have shown little or no interest in the child after placing him in foster care. A few states provide for such proceedings upon petition of the child welfare agency.

Another approach would be to require that states show in their plans how they will deal with the length of stay and instability problems in foster care.

Finally, the stability of foster care placements could be increased if, upon notice that the child was going to be removed from the foster home, both the child and the foster parents were given the right to a hearing prior to any decision about removal. With the exception of a few states like Pennsylvania and Wisconsin, no such rights exist. Usually, once the agency makes the decision—which it can do unilaterally—there is no recourse open to the child or the foster family. Since this approach strikes at the core of the social worker-foster parent-child relationship, it needs to be examined with great care. Historically, the practice has usually been to treat foster parents more like clients than like fellow workers and insist that no strong emotional attachments develop between the child and the foster parents. That practice is being reexamined and changed in different parts of the country. Giving the foster parents and the child a voice in the decisions to remove the child from the foster home will undoubtedly be met with some resistance. And clearly, the weight and importance that should be attached to the views of children and foster parents vary considerably with the situation. If the children are very small, or if the placement was only an emergency, temporary one, then the need to be heard is less important than if the child is older, has been in foster care for several years, and has minimal or non-existent prospects of returning home.

### 4. CASELOADS AND SOCIAL WORKER TURNOVER

There is no ideal size for a caseload. They vary with the severity of the problems of the family and children, the number of people involved in a case, geographic spread of the clients, and any number of other factors. But it is clear that if the case worker has a surfeit of clients, he or she will not be able to provide preventive services readily, will handle adoption cases very slowly, and will lose track of some of the children he or she is responsible for. Since preventive and adoptive services are the most cost-beneficial services provided—a case worker saves the equivalent of his or her annual salary for every child placed for adoption—understaffing of adoption services in child welfare agencies represents a false saving.

There are no reliable numbers available on the caseloads of child welfare workers in this country. The range seems to run from as few as a dozen cases to 150 or more per worker. Usually the lower caseloads are those of workers who handle highly specialized cases—the severely disturbed and seriously handicapped children—or who work for well-endowed private agencies. The typical public agency case worker is more likely to have a caseload in excess of 75 clients and more often than not in excess of 100.

In a comprehensive study of substitute care in Vermont, it was reported that the caseloads exceeded 50 clients per worker. With caseloads of this size ". . . the regular monitoring of cases is difficult at best, and the rendering of preventive services becomes even more difficult and unlikely." (32, p. III 21). In Massachusetts, where the caseloads resemble those of other states for which we have data, one consequence of the large caseload was that 30 percent of the children in foster care had not been seen by a social worker for six months or longer, or it was not known when the child was last seen.

Exacerbating the problem of large caseloads is the problem of turnover among child welfare workers. There are no reliable, current data on turnover among these workers. The last acceptable data are for 1965 (26). Those data showed that the most common length of service for a case worker was from 2–4 years. Equal percentages of workers had worked 1 and 2 years and between 4 to 6 years. Given that a child in foster care is likely to be there for 4 to 6 years, it is also likely that he or she will have more than one case worker during his or her period in care.

The consequences of these turnover and caseload problems are serious for the child and family. The Massachusetts study showed that one-third of the children in foster care had no case worker at the time of the study. Of those who did have a worker assigned to them, two-thirds had been assigned to a case worker for less than one year. And, when the workers were asked to rate the foster homes used by their clients, 12 percent could not do it because they were not familiar with them. The Massachusetts study concludes:

> If one of the primary service tasks of the social worker is to help to resolve some of the issues which led to the necessity of foster home care in the first place, then it is obviously very unlikely that this will be accomplished with caseload statistics such as these. On the other hand, if return to the biological parent is unlikely, it is equally improbable that a child will be freed for adoption when there is not enough consistency in professional attention to insure that someone on the staff is familiar with the child and the issues impinging on his status. (14, p. 26)

### 5. LOSING CHILDREN IN FOSTER CARE

Because of the large caseloads and rapid turnover rates among case workers, some children in foster care "get lost". The word "lost" may seem a little dramatic, but it is appropriate. Given the pressures of a large caseload, the social worker usually has to concentrate on the clients that present immediate problems. As a result, the social worker often loses track of the non-problem child, is unaware of that child's needs, and develops no goals and provides no active services for the child or his family. Many other children drift in foster care, either because no worker is assigned to them or because the worker is new to the job and has not gotten to each child's case yet.

Massachusetts reported that 1,690 children did not have a case worker assigned to them at the time of the study. Many more children were essentially adrift in the system because their case workers simply had lost track of them. A more likely estimate of children adrift in the foster care system of that state was 3,000. This situation is typical of many states. In New York, it was estimated recently that 4,000 children are adrift in the system.

What does it mean for a child to be adrift in the foster care system? It means that he is fed and has a place to sleep in a foster family home, a group home, or an institution. The board checks continue to come in and the child is cared for. But movement in the direction of adoption is likely to be slow, if there is any movement at all. Being adrift may mean that the problem that originally caused the child's placement in foster care has been solved and he could go home—but he won't because no one has put these two critical pieces of information together. The parents, either out of ambivalence, ignorance, or the false belief that their child has been taken from them permanently, do not ask for the child's return to them. The case worker has not kept track of the parents—much less the child—and so the child drifts in foster care.

There are four obvious solutions to the problem of losing children in foster care:

- providing adequate funding to reduce the size of caseloads and expand the number and range of available services;
- providing more in-service training for social workers;
- instituting goal-oriented case management systems; and
- providing for automatic retrieval of case management data.

The provision of adequate, rationally allocated funds is the basic need of the child welfare system. Directing more funds to hiring more social workers, providing more in-home, preventive, and adoption services, and providing useful in-service training would improve the situations of children away from home.

A useful ancillary tool in these efforts is a combination of a goal-oriented case management system and automatic retrieval methods. The goal-oriented system helps workers develop plans for children and provides a way of assuring that the necessary resources are made available for the child. In such systems the social worker develops goals for the child such as return to home, free and place for adoption, or place in a stable foster home. Services to achieve the goal are then mobilized and scheduled.

Social workers can be further helped if the information in their service plans can be stored in computers. They can instruct the machine to remind them of the status of any given case after any given time period. They can use the machine to initiate service actions by others and instruct it to let them know when and if those actions were taken. Whether it is letting them know that the adoption process has fallen behind the schedule that they specified, or that the counseling they requested for the child was not given when they wanted it, the computer improves their ability to keep track of the children for whom they are responsible. Clearly, safeguards must be built into such systems to assure the security and privacy of the clients, but such safeguards are technologically feasible, and an automated system designed with the child's needs in mind becomes a very useful tool.

### 6. PROBLEMS OF SPECIAL NEEDS CHILDREN

"Special needs" children in foster care are those who are either four years of age or older, from minority families, have physical or mental disabilities or are part of a sibling group. Some children in this category have two or more of these characteristics.

There are no accurate statistics on the number of special needs children in the foster care population, although DHEW estimates that they constitute 90% of the 100,000 children in foster care who could be freed for adoption. The Massachusetts Study showed that 40 percent of the foster-care children were disabled, 20 percent were from minority families, and a majority were four years of age or older. The same study showed that of the children who could be freed for adoption, one-third had been available for adoption for five years or more. Almost three-quarters of these children were 10 years old or less, and almost all of them had special needs. Less than one-third of all of the children in foster care in Massachusetts were judged to be potentially adoptable by the social workers, but when the case records were studied closely, researchers concluded that many more of the children could have been freed for adoption than the case workers indicated.

This situation is common. Many children who are available for adoption move very slowly through the adoptive process—in part because their case workers cannot find the time to push the adoption along. But just as important, many case workers label special needs children as "unadoptable," when in reality many could be placed in an adoptive home. In fact, these children used to be called "hard-to-place" children. Too little attention is paid to the relatively sophisticated and successful efforts that have been made to place these children.

Another major barrier to placing children in adoptive homes is the cost of their health care. Large and prolonged health care expenses that most families would find difficult to sustain are required for many of them. Private insurance usually will not cover the costs because they relate to "pre-existing" conditions. Many children are eligible for Medicaid payments, but the structure of the Medicaid system makes it much easier to pay for their health care costs if they are in public institutions. It is even difficult to place these children in a foster family home because the doctor who treats the rest of the family often refuses to treat a Medicaid patient. Since the eligibility of a child follows that of his family, children lose their Medicaid eligibility if they are adopted by a family that is not eligible. The financial burden of providing health care for the child then falls on the adopting family.

Still other barriers are the lack of community facilities to care for the children and the lack of cooperation among community facilities to provide such care.

For all of these reasons many children who are potentially adoptable remain in some form of foster care. For some of them, an institution may provide needed services at some point in their therapy, but for most of them, there is no need to spend their years until maturity and sometimes beyond in such settings. The need for stability, permanence, and nurture is just as important an objective for these children as any others, perhaps more so.

### 7. THE SHORTAGE OF FOSTER HOMES

Although foster care is the most available of 24-hour child care services, there is still an inadequate supply of foster family homes relative to the demand for them. The result is that many children are warehoused in institutions or boarding homes, or they are not accepted for care away from their families even when they may need it very badly.

In New York City, for example, on a given day, 250 children are housed in one of three shelters: Children's Center, Jennings Hall, and Callagy Annex. The children are sent there in emergency situations to await further referrals. In addition, one-quarter of the 29,000 children in foster care in New York are in institutions.

The problem is not confined to large metropolitan areas like New York. In Georgia, for example, it is estimated that there are 4,755 children who need some form of foster care but cannot be placed because of the lack of homes (31).

The major reasons for a shortage of foster homes are:

- the decreasing proportion of adults of the usual age of foster care parents,
- increasing occupational opportunities for women,
- lack of information about foster parent opportunities,
- inadequate board rates, and
- confusion about the role of foster parents; i.e. inadequate definitions of the rights and responsibilities of foster parents (29).

### 8. THE COST OF FOSTER CARE

Few areas of social concern offer a clearer and more favorable argument in cost-benefit terms than do foster care and adoptions.

On the benefit side, the weight of the available evidence argues that stable family settings, whether in natural or adoptive families, are more beneficial for most children than foster homes. Foster care is appropriate for children with certain needs if the quality of services provided is adequate to those needs and other forms of permanence are not attainable.

Additionally, because foster care is more expensive than natural or adoptive care, it is difficult to support the existing disproportionate allocation of funds for foster care. Almost $712.5 million was spent in 1972 for foster care at all levels of government (6). This compares with a little more than $119 million (4.3 percent of total child service expenditures) for homemaker services to children and their families and $65.8 million for adoptions in the same year. (It is important to remember that there are estimated to be almost 100,000 children—most of them special needs children—who could be available for adoption.) Institutional care is the most expensive form of care for children, costing well over twice as much as foster family care. But foster family care is itself not inexpensive. The average direct expenditure per child per month for board payments alone is estimated to be between $80 and $100. In addition, payments are made for medical and dental care, clothes, school supplies, and other special allowances. Overhead on administrative costs can double these figures. Regional variations are considerable: in New York, for example, foster family care costs are $365 per month per child (10).

It has been estimated that foster care costs about three to five times as much as it would cost an intact family on a low budget to raise the same child. Nationally, for families on AFDC the total unit cost of support is about $51 per month per child. Clearly, the costs of keeping the family intact—when that option is beneficial to the child—are lower than or about the same as the costs of foster care even if such in-home services as homemakers or day care are added to the total.

Adoptions also have favorable costs associated with them. Unless an adoption is subsidized, only placement costs are involved, averaging $1,005 per placement (6). It is a simple but impressive calculation to sum up the savings that would result from moving to adoptive homes only one-half of the 100,000 children in foster care who are available to be freed for adoption. In making that calculation it is important to remember the number of years that each of the children would stay in foster care unless special efforts were made. For example, it is estimated that the cost of care for a single infant who entered the New York foster care system in 1971 will amount to $122,500 by the time the child reaches 18 years of age (10).

## D. INTERAGENCY ISSUES IN FOSTER CARE

Three types of interagency relationships affect the care of children away from home. They are:

- Relationships between the courts and the child welfare system.
- Relations between the public and private sectors.
- Relationships between agencies providing specialized care.

Despite legal ties, the courts and the child welfare system often work independently of each other to the detriment of the child. Many court systems simply are unaware that a child welfare system exists that could help them with the care of children coming under the purview of the courts. Quite often, child welfare agencies encourage this low profile as far as the courts are concerned because they want to keep their vacancies for their own clients who they believe will not manifest some of the serious problems of "court kids." As a result, children are often placed in public institutions although it would be better for them to be in the child welfare system.

Unduly burdening is the requirement under Title IV–A of the Social Security Act that juvenile courts make a judicial determination about the placement of the children of AFDC recipients in foster care. This provision was originally required to protect the family from possible coercion by the state. It was feared that if a parent applied for AFDC in some states, threats might be made to take the child away from the mother and place it in a foster home unless she agreed to stay off welfare. However much this provision was warranted at the time it was written, in the judgment of contemporary experts it is probably an anachronism and excessively encumbering (22).

Public and private child welfare agencies often work independently of each other. Most children in foster care today are served by public agencies. New York City, where 25,000 of the 29,000 children in foster care are cared for by private agencies, is a notable exception. This anomaly is counterbalanced by such extremes in the other direction as Massachusetts, where 91 percent of the children are cared for by public agencies. But whatever the ratio of public to private agency care, the vast bulk of financial support comes through public funds under "purchase of service" arrangements with public agencies. Despite this dependency on public funds, private agencies often maintain their distance from the public ones. Religiously-based agencies sometimes give preference to children from similar religious backgrounds. In New York City in 1973, for example, 11 percent of the Catholic, 43 percent of the Jewish, and 9 percent of the Protestant agencies' caseloads were children of other faiths (30).

Another interagency problem is the lack of cooperation between child welfare agencies and those agencies capable of providing specialized forms of care. The availability of such facilities is essential if the goals for the child, particularly the special needs child, are to be met. They become crucial if the plan calls for maintaining the child outside an institution in an adoptive or stable foster family home. For example, many children need special forms of education which, too often, the school systems are unwilling to provide. As a result, many special needs children are removed from the public schools, particularly teenagers. The schools, in effect, absolve themselves of the responsibility for educating them. In many states, such as Virginia and Maryland, parents have had to resort to the courts to force the schools to provide needed educational services for their children.

Other problems center around the unavailability of adequate mental and physical health care facilities. The massive movements of people to the suburbs in this century involved physicians as well as other middle class people. Health services were suburbanized at the same time because suburban practice was more lucrative than urban practice. Without adequate health services, Medicaid or Medicare enrollments *per se* do not solve the problem of getting health care to the poor in urban areas. This affects many children in foster family care.

# III. ISSUES CONCERNING ADOPTION

## A. TRENDS AND PROBLEMS

### 1. ADOPTION TRENDS

Adoption trends are among the most dramatic American social changes. Adopting a child has not been an easy process for many decades, but there was a time not that many years ago when a couple could adopt a child if they were patient and if their home was found "suitable" (although the criteria of suitability were usually a function of the number of children who were available). Patience is still required, but it is far less likely to be rewarded. If the prospective parents want a child who is white, healthy, and a baby, their chances of getting him or her legally are becoming increasingly remote. The decline in the birth rate and the increased willingness of single parents to keep their children combined with the large number of people of parenting age has produced this new situation. This trend has now begun to apply to black babies—once readily available, they now are being adopted more quickly, although more homes are still needed (33).

For 1971 it is estimated that there were 169,000 children adopted: the first decrease in the annual total since 1957 when NCSS began collecting the data (3). The exact number is not known because some states did not report their data for that year and estimates had to be substituted. Of these, 60 percent of the children were born out of wedlock and 13 percent (an increase) came from minority group parents. The age of the child at the time of placement is not known for all of these children, but for those who were placed with non-relatives the median age was 1.9 months. Only 4 percent of adoptions involved children who were over 5 years of age in 1971.

### 2. THE ADOPTIVE PROCESS

The availability of children, the size of the adoption staff, and the case work philosophies and techniques of that staff are the major factors which determine the length of the adoptive process. Traditionally, applicants visit an agency and, in the course of a general discussion, learn about the agency and the children it has available. Sometimes these discussions can be rather abbreviated if the applicants express a singular interest in adopting a white infant. If the agency decides to consider the couple, then they are screened for their fitness as adoptive parents. This can take from six weeks to several months with the former being unusual. The screening period is characterized by interviews with the prospective parents, home visits, and reference checks. Some applicants find parts of these home studies objectionable and turn to independent or private agencies for help. But if they stick with it and are given agency approval, they must still wait until an appropriate child becomes available. Following placement there is a period of six to twelve months before a final decree of adoption is ordered.

### 3. INDEPENDENT AND BLACK MARKET ADOPTIONS

The vicissitudes of the adoption process have led many people to opt for the more expensive but simpler process of independent adoptions. Excepting Connecticut, Delaware, and Minnesota, independent adoptions are legal in all states. At the heart of the process and in varying combinations are an attorney, a physician, the adoptive parents, the biological parents and child. Sometimes a women who has had a child does not wish to keep it. Wishing instead to place the child with willing relatives, the parents (natural and adoptive) work with a private attorney to complete the legal requirements for adoption. But more commonly in independent adoptions, the child is placed with non-relatives. The attorney, often in league with physicians, brokers between a couple seeking a child and another not wanting to keep theirs. Independent adoptions rarely cost less than $3,000 and often cost as much as $25,000 or more. The costs are high under the best of circumstances because the adopting parents usually pay the attorney's fee to find the child, the fees of the natural mother's attorney, processing costs, and the mother's hospital and related expenses. If the natural mother makes no profit and court approval is obtained, this form of adoption is referred to somewhat opprobriously by professional child welfare workers as a "gray market" adoption. But, if the mother "sells her baby" for more than her cost, or if court approval is not obtained, then the adoption is called a "black market" adoption.

Because the demand for infants is greater than the supply, the opportunities for black markets in adoptions are very great. This market has recently received added impetus from court rulings and new state laws and regulations on the rights of unwed fathers. Rather than subject herself to the prospect of having the father searched for, and wanting to get rid of her child quickly, the mother may resort to a black market adoption instead of using a licensed agency.

Since there is a great demand for infants and profits to be made, some attorneys act like entrepreneurs seeking to increase the supply of infants and to keep their overheads low. Both strategies have their human consequences. To increase the supply of children, the attorney may maintain agreements with a number of women to produce children for a price. His agents may work in areas where the likelihood of illegitimate births is great. He may give fees to physicians or college counsellors who steer pregnant young women into his network. To keep his overhead low, he does not provide the services that may be needed by the biological parents who are likely be adolescent "at risk" youth. Further, he does not investigate the potential adoptive parents carefully. Consequently, children are often placed with couples who, for sound reasons, should not have received a child.

### 4. ADOPTION OF SPECIAL NEEDS CHILDREN

Although there clearly are problems in the area of independent adoptions—particularly black market adoptions—they are neither as common nor as important as those posed by the great numbers of children in foster care who could be placed in adoptive homes. As stated above, there are about 100,000 children in foster care who could be freed for adoption now. About 90,000 of them are special needs children. Many more need new families and could be made available for adoption if changes were made in the foster care system. For this reason, it is essential that the problem of special needs children needing adoption not be looked at in isolation or narrowly because the problems of many of these children will be solved only by major reform of foster care systems.

### B. The Potentially Adoptable Child

Two major changes have been occuring in the thinking of professional child welfare workers that will have profound effects on adoptive practice. The first is the acceptance of a new conception of who the potentially adoptable child is. In the past, special needs children were often labeled "unadoptable" by social workers, many of whom went so far as to discourage potential adoptive parents who expressed an interest in a special needs child. Currently, however, a new attitude is gaining acceptance. This holds that most special needs children could and should be adopted and that there are families who would be willing to provide suitable adoptive homes for them. What is required are some new techniques and adoptive practices. For decades, Los Angeles and a few other jurisdictions have conducted successful special needs adoption programs that offer insight and experience concerning these techniques and practices.

The second of the changes is an increase in child centeredness in adoptions. Formerly, the usual orientation was toward finding a child for married and usually infertile couples. Increasingly, however, adoption workers are making the location of an appropriate home for the child their basic mission. The newer emphasis is constructive for the placement of special needs children because the social worker thinks in terms of a home and parents tailored to the needs of the child rather than in terms of the needs of petitioning parents who are almost always looking for a healthy baby.

### C. Placing the Potentially Adoptable Child

Experience from areas such as Michigan and Los Angeles County, which have developed adoption programs for special needs children, has shown the following to be the essential ingredients to a successful program for placing the potentially adoptable child:

- A specially trained staff that believes that special needs children can be placed, finds homes, coordinates the necessary services, and works with the adoptive parents after placement to assist them with any problems.
- A community or state program that makes people aware of the availability of special needs children, uses media when helpful, and mobilizes citizen support to increase sensitivity to the need for specialized services and aggressive outreach.
- Certain supporting changes in state adoption laws and agency policies and regulations.

- Methods of subsidizing adoptions or providing for unusual medical expenses for children who need such help regardless of parental income.
- Automated goal-oriented case management systems.

Specially trained case workers are required because the techniques of placement and aftercare for special needs children are different in many ways from the adoption of healthy infants. The worker has to have a favorable attitude about placing special needs children—an attitude which can be developed through selection and training. Finding appropriate homes is a complicated art involving answering inquiries from potential parents, making speeches to community groups, assessing carefully the potential of the applicants and helping them learn what will be needed to care for a child with special needs. If a successful adjustment is to be made, the worker must be able to advise the parents and get access to needed community services. This is particularly true of older children and those with significant handicaps.

An effective media program is a helpful means for reaching potential adoptive parents. Many communities and states have learned by trial and error what effective media programs are. It is unnecessary, therefore, for every community to reinvent them. Instead, means should be found to transfer what has been learned to other interested communities. There is also a wealth of program materials available so that interested communities need not bear the full cost of constructing programs from scratch. The needs for a national clearinghouse for such materials and for technical assistance are apparent. Citizen and parent groups can be useful because they are a major source of new applicants and essential to a full range of post-placement services because their personal experiences are often the most helpful to adoptive parents experiencing adjustment problems.

In some states, changes in adoption laws may facilitate the process of adopting special needs children. Effective methods of terminating the rights of neglecting parents should be required. New York and Massachusetts require that if the natural parents have shown no interest in a child after a prescribed period of time, the case worker may begin the termination process. Other states have attempted to revise procedures and standards to protect the original family tie when feasible but make timely terminations on relevant grounds to permit a new permanent family to be formed through adoption when that course is in the child's best interests. But even where such regulations or laws exist, they often are not executed because the case worker is overworked, has lost control of his or her caseload, or does not have the training or policy support needed to pursue a legal case on behalf of the child. Realistic regulations concerning the rights of unwed fathers are also needed.

Adoptions subsidies are also valuable because they increase the potential number of children with special needs who can find homes. For instance, many foster parents would adopt the children they are caring for if they could afford the loss of the board rate, the medical support, and the cost of adoption itself. It is cost beneficial to subsidize such adoptions. At this writing 35 states and the District of Columbia have some form of subsidized adoption ranging from absorbing the cost of the adoption to the provision of an annual subsidy and/or the covering of medical costs.

Automated goal-oriented case management information systems can be a valuable tool to child welfare workers in keeping track of their clients and in finding potential adoptive homes. Such systems report progress toward the goals that the worker has set for the child and, when they contain adoption exchange capacity, they can yield information about available children and adoptive homes from other agencies and states. The absence of a national computerized adoption exchange needlessly traps thousands of children in foster care, deprives them of permanent families, and costs taxpayers needless millions of dollars in support payments.

## D. Barriers To Placing the Potentially Adoptive Child

Hampering efforts to place "special needs" children are a number of barriers including:

1. Differences in state laws and court practices,
2. Parental rights,
3. Cultural considerations, and
4. An absence of needed services.

### 1. STATE LAWS AND COURT PRACTICES

Given the differences in state laws, court practices and standards, significant difficulties arise when a child is being considered for an interstate adoption. Problem areas can easily be illustrated by looking no farther than the issue of obtaining valid parental consent (15). Is judicial termination required by the state in which the child resides? If the parent is a minor, is consent required from her parents? Can State A accept guardianship of a child directly from State B when an agency in State B is legal guardian; or must State A first transfer the guardianship to one of its own agencies?

Legal barriers surround the termination of parental rights, including the rights of the unwed father. These barriers apply whether the adoption is inter- or intrastate. The agency and the state wish to protect parental rights where there is clearly hope that the child may be returned to his or her prior home. But practice and experience indicate that that determination can, and should, be made early, and if the determination is that the child is unlikely to be returned to that home, then termination proceedings should be initiated quickly.

### 2. PARENTAL RIGHTS

The rights of unwed fathers is a fairly recent issue and one that is surrounded with ambiguity. The debate was precipitated by the decision, Stanley v. Illinois, in 1972, when the United States Supreme Court ruled that the unwed father had been denied his right to a hearing on his fitness to raise the children of their deceased mother. It is important to note that the plaintiff had lived intermittently with the mother over a period of 18 years and was the father of all three children. The Court's ruling recognized this fact and said that it was necessary to protect the interest "of a man in the children he has sired *and raised*." (Author's italics.)

In another case—Rothstein v. Lutheran Social Services (U.S. Supreme Court)—the right of an unwed father to a hearing before his rights could be terminated was supported. But, here again, the putative father had initiated the legal action and was, therefore, known.

The courts have not had to confront the problem of what to do when the identity or whereabouts of the father is not known. Yet some states require that a reasonable effort be made to locate the father and apprise him of this rights. But in those cases where the identity and whereabouts of the father are not known, the losers are the children who may be kept from adoption, the mother who cannot complete her plans with finality, and the prospective parents who are denied the experience of the child's early years. Further testing of these rulings will be required before the rights of the father and those of the child can be determined unless statutory solutions are tried.

### 3. CULTURAL CONSIDERATIONS

There are also cultural considerations which affect transracial and single parent adoptions. Increasing numbers of white families are adopting, and showing interest in adopting, minority children. At the same time, some groups are raising questions about the impact on the minority child's self-identity, understanding of cultural heritage, and social life in his teenage years if he or she grows up in a Caucasian home. This concern from minority organizations has had some significant effect as reflected in data from 252 responding agencies. From 1969 to 1971, the total number of black children placed in adoptive houses increased from 3512 to 5012, and, of these, the number placed with white families increased from 2486 to 3202. For 1972, however, only 4,000 black children were placed for adoption (a decrease of 20 percent) and of these only 1104 were placed with white families (a decrease of 39 percent) (21).

Most people agree that the optimal adoptions strategy would be to place every child with a family of a similar cultural or religious tradition. But, failing that, the child should be placed in a home where his or her needs for permanence, continuity, and nurture will be met.

Increasing numbers of single people are petitioning to adopt children. In the past, their petitions were usually rejected because of traditional notions about the structure of the family. But increasingly, it is recognized that many single people can provide appropriate homes for waiting children. The important issue is not whether there is a couple present, but whether the home that is offered is the best then available for the child.

### 4. UNAVAILABILITY OF SERVICES

Another barrier to adoption is the unavailability of services to assure the well-being of the special needs child. Communities often lack resources to provide the necessary care for a handicapped child on an outpatient basis. And, while care can be provided in an institution, with expenditures usually matched by federal funds, the same funds are unlikely to follow the child into an adoptive home.

Further, the community is unlikely to have the types of media programs needed to help find adoptive parents or to educate the public about the need for supporting such programs of adoption.

Finally, post-placement services of adequate quality to help special needs children are very uncommon. They exist usually only in those areas where concerted efforts are being made to place special needs children.

## IV. SUMMARY OF CURRENT LAW

The laws with the greatest relevance to children in need of adoption and foster care are Titles IV-A, IV-B, and XX of the Social Security Act. However, there are other federal programs which have implications for a study of these problems. Some of these are discussed here briefly.

This short and incomplete listing helps to illustrate the lack of focus and coordination among existing child welfare programs.

### A. TITLE IV-A

Congressional recognition of the need for better foster care services under IV-A first manifested itself in 1961 with a temporary provision for federal financial participation, under limited circumstances, in the cost of care in foster family homes. The provision applied to children who had been receiving AFDC, but had been removed by a court order from a home found to be contrary to the welfare of the child. Payments under prior law were limited to children living with specified relatives. A year later, Congress made this provision permanent and extended it to cover children in nonprofit child care institutions as well as foster family homes.

The 1967 Social Security Amendments expanded AFDC eligibility to include foster children who were eligible prior to their court-ordered foster placement, regardless of whether they were actually receiving AFDC payments. They also authorized the purchase of service by welfare agencies, and mandated that child welfare services be provided under IV-A state plans.

The service provisions of Title IV-A do not list adoption as a reimbursable service and, therefore, have hindered the development of stable family relations for children. Under IV-A, individuals who become foster parents to an AFDC-eligible child receive foster care payments. However, if the foster parents adopt the child, thereby becoming legally obligated for the child's support, the child is no longer eligible for AFDC and the foster care payments cease. In fact, not even the social services needed to bring child and parent together can be provided because of this quirk in IV-A rules. Clearly, it is not in the economic interest of the foster parents to adopt the child even though the interests of the child might be better served by adoption.

The service provisions of Title IV-A were supplanted by Title XX of the Social Security Act. The States will continue to operate their social service programs under Title IV-A until September 30, 1975 at which time they are required to implement a new social services plan which is responsive to the provisions of Title XX.

This new Title can be used to eliminate many of the problems caused by Title IV-A, but it will not eliminate all of them. For example, adoption services will be eligible for Federal financial participation if the States include those services in their plans. However, it will not solve the problem of the loss of foster care payments if a child is adopted by his or her foster parents.

## B. TITLE XX

In restructuring the social service program during the 93rd Congress, Congress required that state programs become more goal-oriented. The goals are stated in the legislation and states are required to show in their plans how they will use social services to achieve them. The goals are:

- achieving and maintaining economic self-support,
- achieving and maintaining self-sufficiency,
- preventing or remedying abuse, neglect, or exploitation,
- preventing inappropriate institutional care by providing community based care. or
- securing institutional care when appropriate.

These amendments can, and probably will, affect the issues we have raised here in a variety of ways primarily because of the similarities between the goals we have been describing and those written into Title XX. A number of examples will illustrate these convergences. Under Title XX, case workers would have to develop plans to remove children from institutions for whom an adoptive or foster family would be a more appropriate choice. Since adoption will increase the self-sufficiency of many children in care, greater emphasis could be placed on adoptions. Or, in the case of a 16–17 year old who has lost his parents, a goal of self-support could be set with a service program that included job training and group home care.

Because the law also requires that the states report to the federal government on the progress they are making toward the goals, it is additionally helpful to child welfare goals. The goals, service plans, and schedules for their achievement will either be incorporated into case records or in report forms which draw on those records which will make case work much more goal-oriented. The need to report progress toward goals and the provision of funds to develop reporting systems also will quicken the development of automated systems.

In sum: Title XX could greatly facilitate the achievement of some of the goals discussed in this paper. The extent to which this occurs will depend on how the states design their programs and the willingness of the federal government to encourage them to take the goal-oriented approach seriously.

## C. TITLE IV–B

Two kinds of financial assistance are available for child welfare agencies under IV–B. One is a direct grant of aid for the support of state or local public agencies providing child welfare services. Funds may be used to pay administrative costs and salaries of welfare workers. The other type of assistance is "purchase of service" arrangements with voluntary agencies. But Title IV–B funds can be used only to cover the costs of finding a suitable foster or adoptive home, and not to assist in maintenance of the child once a home is found.

The 1972 Social Security Amendments provided for an increase in the Title IV–B authorization from $196 million for fiscal year 1973 to $266 million for fiscal 1977. The Senate report stated that it "anticipated that a substantial part of any increased appropriation under this higher authorization will go towards meeting the costs of providing foster care which now represents the largest single item of child welfare expenditure on the county level," and that "additional funds can also be used for adoption services, including action to increase adoptions of hard-to-place-children."

But since the appropriation for the program has never risen above $47.5 million, the report has a rather hollow ring to it.

In short, the two main federal laws that have provided for foster care and adoption, Titles IV–A and IV–B of the Social Security Act, contain strong financial incentives in favor of foster care and against adoption. Both Titles authorize funding of foster care payments, but neither permit payment of maintenance costs once a child is adopted. Title XX does not reduce this financial barrier, but it does contain features that could result in expanded adoption services.

### D. Medicaid

Medicaid (Title XIX of the Social Security Act) provides support for the board, room and care for disabled children in public institutions. Many of the institutionalized children receiving Medicaid support have the same characteristics of children who are placed through the foster care system—i.e., the family was unable to cope with the disabling condition, the child may be away from his family for a long period, or may eventually be adopted. However, if the child moves from an institution to a foster family or group home, only health care costs are covered by Medicaid.

Medicaid is a State-administered program and rules governing eligibility and benefit levels are determined at the State level.

### E. Supplemental Security Income

The SSI program enacted in 1972 also has great potential for children in the adoption and foster care system. It establishes a federal program of income maintenance for the aged, blind and disabled—including blind and disabled children under 18 years old.

If such a child is in foster care placement, he or she is eligible for a payment of one-third of the maximum federal benefit. If the foster care payment is less than this, SSI can provide funds for additional support.

Since the benefit is vested in the handicapped youngster, an adoptive family could also receive SSI assistance for the child, depending on the proportion of family income which is devoted to the child. The enactment of Title XX increases the prospects for integration of the SSI program because states will now be required to include SSI in their Title XX plans. As state planning increases in sophistication, it should therefore be possible to develop more effective adoption programs for children who are blind and disabled.

### F. Developmental Disabilities Act

This program, enacted in 1963, provides grants to states for planning and services related to the needs of the developmentally disabled.

Under the 1974 amendments, the developmentally disabled include the mentally retarded, epileptics, cerebral palsied, and persons with other neurological disorders.

This law is of interest because some children are placed in foster care or public institutions because of mental retardation or related conditions. The 1974 amendments were never acted on by a conference committee, so the legislation will be reconsidered in the 94th Congress.

If certain provisions in the 1974 Senate amendments were accepted, the program would be able to provide social and educational services to youngsters in foster care and adoptive homes.

The developmental disabilities program is an amendment to the Public Health Service Act and is under the jurisdiction of the Senate Labor and Public Welfare Committee and the House Committee on Interstate and Foreign Commerce.

## V. POLICY ISSUES

### A. QUESTIONS TO BE CONSIDERED

A few questions remain to be answered before we can turn to the specific priorities that might be built into existing law or regulations, added to proposed legislation, or form the basis of new legislation.

*1. What are the rights of children and how do they weigh in balance with the rights of others?*

Children have rights to permanence, continuity, stability, and nurture in their lives. If these qualities characterize their early years, children have a chance of enjoying mature and productive lives; if they lack these qualities, their chances for productive lives are greatly rereduced.

It is therefore recommended that the general concept of the rights of children form the basis for legislative action and other decisions about children.

While most people would probably agree that the basic rights of children ought to include permanence, continuity, stability, and nurture in a family they can call their own, problems arise and agreement quickly disappears when these "rights" come in conflict with the rights of others. Courts and laws very commonly protect the rights of the parents, for example, sometimes at the expense of these rights of children. However, a few recent state court decisions have pointed to a new trend to think more in terms of the rights of children. That the child's right to permanence and nurture is frequently subordinated to parental rights is evidenced by failures to terminate parental rights even when it is obvious that the parents have abandoned the child.

A conscious and thoughtful look must be taken at the rights of children in the context of the rights of the other people in their lives: natural parents, foster parents, adoptive parents, unwed fathers, and case workers. At what point is neglect of the child by the parents great enough to threaten his or her well-being and require the termination of parental rights? What are the rights of biological parents who have children in foster care? How can parents be protected from agencies and case workers who mislead them about their rights to see their children? What are the rights of parents whose children have been removed from the home because the parents abused them?

Cultural and religious issues impinging upon children's lives must be adduced. Should a child be kept in foster care if a culturally and racially similar adoptive home cannot be found? Are there other ways to assure preservation of cultural or racial heritage? What relative weights should be given to these issues as against those of stability and nurture for the child?

These are a few of the issues that need to be addressed to create a new basis for the child in the law and in social work practice. But whatever emerges in the way of rights for children, this writer believes that children's rights to permanence, continuity, stability and nurture generally should take precedence over the rights of the other people in their lives. If this position were, in fact, adopted, it would have very important consequences. It would mean that in the context of providing adequate safeguards for parental rights, many more children would be freed sooner for adoption. It would mean that after reasonable but unsuccessful efforts had been made to place a child in a home with a cultural and racial background similar to his own, the child would be placed in an adoptive home that would otherwise be suitable for his needs. It would mean that case workers would have to make more frequent use of in-home services. In sum, children would not be immobilized in a force field of competing interests.

### 2. *Should the rights of children be considered in isolation from those of the family?*

The intellectual exercise of thinking of the child and the child only is undoubtedly necessary, because it has not been done. But it would be unrealistic to maintain that focus permanently because the conditions and well-being of children are so intimately a part of the families with whom they live. Therefore, a family focus is required: one that protects the rights of children in the context of protecting the viability of families, whether their children come by birth or adoption.

This is no minor matter. There is much in our laws, regulations, and practice that threatens the viability of the family. Foster care services are provided where in-home services could have been used were they available. Under Medicaid children's expenses are paid in full in a hospital or institution, but only in part if the children are outpatients. The presence of a man in the home can seriously threaten the financial situation of an AFDC family even though that man may be filling a useful role for the children.

## B. GOALS FOR ADOPTION AND FOSTER CARE LEGISLATION

The basic goal should be for a larger proportion of young people to grow up in stable family homes. To accomplish this goal, the following supporting goals are recommended. Whatever legislative strategy is adopted, it should aim for achievement of these goals:

1. Increase the resources and competence of families to cope with their problems in order to prevent unnecessary separation of children from their families;
2. Attempt to identify family problems and possible breakup early so that resources can be mobilized to prevent breakup if this is desirable;
3. Mobilize services to restore broken families as viable units as quickly as possible where appropriate;
4. If restoration of the family within a time period relevant to the child's needs is not possible or appropriate, freeing the child for adoption as quickly as possible and placing him or her in a suitable adoptive home; and
5. Completing and implementing a stable foster care plan if, within a time period relevant to the child's needs, the child cannot or should not be restored to his or her original home or placed for adoption.

## C. Legislative Proposals

**During 1974 and again in 1975 legislation affecting adoption and foster care was introduced in both Houses of Congress. In the House, a number of bills providing tax credits or deductions for adoption expenses were introduced. In the Senate, the major proposed legislation is S. 1593, the "Opportunities for Adoption Act," introduced by Senator Cranston and cosponsored by Senators Mondale and Williams. All of these measures would provide some support and encouragement for adoptions, but all have shortcomings as vehicles for comprehensive improvements in our adoption and foster care system.**

### 1. TAX BILLS

Some of these would provide a tax credit for adoption expenses, while others would offer deductions for such expenses. One bill introduced in the 93rd Congress would have provided a deduction of up to $1,500 for adoption expenses, including expenses for medical care. The other bills taking the deduction approach did not allow for deduction of medical expenses.

These bills do not provide a basis for legislation that is truly responsive to the needs of children and their families. A serious weakness is their lack of responsiveness to special needs children. None of them provides continuing support for children in adoptive homes and none of them fully addresses the relationship of these proposed new provisions to existing laws and programs. Enactment of any of these narrow measures could mislead us into thinking that we have actually dealt with the overall problems when in fact we have not.

### 2. Opportunities for Adoption Act

The bill was introduced in the 93rd Congress by Senator Cranston and reintroduced in the 94th Congress. It is pending before the Subcommittee on Children and Youth in the Senate and the Interstate and Foreign Commerce, and Education and Labor Committees in the House.

It addresses more directly the key issues in the area of adoption and represents a major step forward toward many of the problems concerning adoption.

Among the particularly strong points of the bill are a focus on the need for adoption subsidies; creation of a national adoption exchange which would facilitate placement of children with special needs; and the proposed review of state adoption laws and consideration of interstate barriers to the adoption process. However, a number of provisions could be added to the bill or enacted separately which would further enhance the effectiveness of Federal programs affecting adoption and foster care.

This bill would add a new title to the Public Health Service Act which would provide for:

- Establishment of uniform adoption regulations in all states;
- Federal financial assistance to states to assist agencies and prospective adoptive parents in meeting the costs of adoption; and

- **A National Office of Adoption Information and Services in HEW to insure quality standards for adoption services and to provide for a national adoption information program.**

Each of these provisions would, with some qualifications, facilitate the placement of special needs children.

The establishment of uniform adoption regulations is intended to overcome existing barriers in state laws that impede the adoption process. This goal is laudable, but the strategy presents some problems. It assumes that there is one adoption process that is as good as or better than those existing in the States, but there may be a number of processes that are equally effective. In addition, there may be valid and important reasons for the unique features of state laws. The imposition of uniform Federal regulations would also raise the philosophical question of whether Congress should limit the rights of states to legislate in areas where they traditionally have retained that authority.

Title XX takes an entirely different approach to achieve some of the same goals addressed in S. 1593. It imposes social service goals on the states and expects the states to show movement toward those goals, but allows the states to select the means. The states may choose to change their adoption laws in order to facilitate movement from foster care to adoptive homes, but the choice is theirs.

The Subcommittee should carefully examine the relationship between the proposed Opportunities for Adoption Act and Title XX. For example, S. 1593 proposes to make funds available to the states for services that can be funded under Title XX, many of them without regard to the income of the recipient.

On the other hand, S. 1593 would provide funds for activities that cannot be funded under Title XX and which would greatly facilitate the goal of permanence for children. Adoption subsidies and post adoption services are two examples of these. S. 1593 could be much more effective if it were modified with a view to taking greater advantage of the potential synergies with Title XX.

## RECOMMENDATIONS

Recognizing that we do not know with certainty the exact kinds or combinations of services and programs that might best support the goals listed in this report, there are nevertheless some interesting programs and proposals which should receive more thorough consideration and study. A number of these programs and proposals, and the particular goal to which they relate, follow. Some of these proposals would require legislative action on the Federal level. Others would depend on administrative changes on the State or local level.

### *Goal No. 1—Increasing the abilities of families to cope with their own problems*

Authorize studies and evaluations of local programs designed to increase the family's ability to cope with its own problems, and provide technical assistance to state and local governments to develop their own experimental programs.

Provide greater support to parenting education, which includes practical experiences with small children in day care, nursery, and other settings; and expand the concept of parenting education to include parents or other young people who are not in school systems.

Provide mechanisms to assure that child care information is available to expectant and new parents in the waiting rooms of hospitals and in their homes after they have returned to them with their babies.

Provide for wider public distribution of brochures and other information about existing public and private community resources like family counselling.

Concentrate greater manpower training and placement efforts on young people, particularly those who are not in school and who have not completed high school.

### *Goals Nos. 2 and 3—Preventing family breakup or restoring families where appropriate*

Study and examine existing community and agency efforts to develop early warning signals of family breakup.

Build into national health insurance legislation provisions that facilitate linkages between the health delivery and social service systems.

Give greater priority to the provision of in-home and family rehabilitation services. Consider whether it would be appropriate to require, on an experimental basis, that in-home services be provided for a specified period of time before the case worker can place the child in a foster home. Also consider whether to require the continuation of those services for a specified time after the child has been placed in foster care, with exceptions to this requirement for situations in which remaining in the home would threaten the child's well-being. Design linkages between AFDC, Medicaid, and SSI programs that will enhance the ability of parents to keep their handicapped children at home.

*Goal No. 4—If restoration is not possible or appropriate, freeing the child for adoption rapidly and placing him or her in an adoptive home*

Provide authority for payment of the medical and/or maintenance costs for a child in an adoptive home.

In those situations where the child is a permanent public ward and legally free to be adopted, vest eligibility for federal benefits in the child directly; except where:

- a pre-existing condition related to health needs can be covered by the adoptive parents' own insurance;
- an unsubsidized, appropriate adoptive family is available.

Study the possibility of requiring private insurance companies to extend a family's health insurance coverage to include any special needs of children that the family adopts.

Study state adoption laws and regulations and recommend ways of facilitating adoptions within and between states. Consider developing a common federal law for the interstate movement of children in adoption.

Require independent reviews of each foster care placement every six months during at least the first two years, with a view to making certain that the child has not been prematurely locked into foster care.

Disseminate information and provide technical assistance on adoption techniques, especially concerning the adoption of special needs children.

Use social work training grants and other training funds to reorient training in the direction of increasing family support skills, adoption of special needs children, and foster care.

Require that if an unwed mother wants to place her child for adoption, and the identity and whereabouts of the father are not known, then reasonable, time-limited efforts be made to locate the father and give him notice of his rights to a hearing to determine his fitness to assume responsibility for his child.

Assure that independent adoptions meet acceptable adoption standards by requiring prior approval by a court and an approved agency and the conduct of an adequate home study of the potential adoptive parents.

Require licensing of all adoption agencies or independent adoption agents.

Require that all child welfare case management systems be goal-oriented and compatible with federal child welfare goals.

Provide for federal matching funds to automate goal-oriented case management systems.

Provide a higher level of federal matching funds if the automated, goal-oriented case management systems contain some federally approved common data elements for their foster care and adoption components and other features that will: 1) facilitate the exchange of information between jurisdictions about adoptive parents and children, particularly special needs children; and 2) yield data capable of being aggregated at the national level for the study of foster care and adoption trends.

Require that the potential adoptive parents receive all available information on a child, other than his or her last name, to assure that they can make an adequately informed decision about whether or not to adopt; and assure that the child has access to the information collected on him or her.

Require that all case management systems have adequate provisions for the security and privacy of the child and the biological and natural parents.

Commission a study of the adoption experience, particularly for its impact on the relinquishing parent and the child, with a view to modifying adoption practices where the evidence indicates that it should be modified.

Alter court procedures to accelerate appeals in cases where child custody is in dispute to assure early resolution of the issues for the child.

### *Goal No. 5—Providing stable foster care settings for those children who need it*

(Many of the ideas already presented will also help to provide for stable foster care: providing for automated, goal-oriented case management systems, periodic review of the status of each child in care, and requiring state plans to show how they will provide for foster care.)

Require the states to show how they will increase the commitment to stability on the part of child welfare agencies. Among the methods state and local agencies might consider are:

- Contract for foster parent services;
- Adopt a policy that a child cannot be removed from a foster home without sufficient cause;
- Give foster parents the right to a hearing should an agency decide to remove a child from the foster home, if the child has been in the home for a substantial period of time;
- Shift the focus from the agency to the foster parents by making foster care payments wholly automatic and giving more desion-making power to the foster parents or the institution; and
- Limit intervention by the case worker wherever practical.

Require the states to show how they will increase foster family and institutional commitment to stability. Among the methods state and local agencies might consider are:

- Before making a placement decision, determine that the placement has the potential for a long-term commitment to the child;
- Change the existing expectations of all participants that placements are temporary; and
- Consider introducing the concept of guardianship into the foster relationship.

Provide for adequate foster care board rates that are federally reimbursable.

Require the states to provide foster parents with liability insurance which includes coverage for legal fees resulting from suits involving acts of their foster child.

Encourage foster parents to develop permanent, nurturant relationships with children placed with them on a long term basis.

Require adequate training of foster parents prior to licensing their home. Include training for caring for special needs children.

Require states to remove barriers to adoption by foster parents where such adoptions are desirable for the child.

## NEW LEGISLATION

Given the passage of Title XX of the Social Security Act, a legislative strategy that optimizes all the previously discussed values would be to write a new children, youth, and family services bill.

The proposed bill would draw heavily on the concepts in the "Opportunities for Adoption Act", including adoption subsidies and provision of technical assistance and other necessary services. It would, however, offer these services through a framework designed to encourage maximum coordination and effective, economical use of existing legislative authorities and programs. The bill would contain these elements:

1. The purposes of the new legislation. A listing of the goals discussed in the previous section of this report.

2. An amendment to the section of Title XX that sets forth the goals of that Title (Sec. 2002) which would include in the third goal . . . "to prevent family breakup by assisting families to cope with their own problems or, if breakup should occur, to mobilize services to restore the family."

3. Amendments to Title XIX of the Social Security Act (Medicaid) which vest Medicaid eligibility in the child where such vesting is a factor in making an adoption.

4. Provisions for a variety of special tools and organizational arrangements that would facilitate the achievement of the goals outlined in (1) above.

These would include:

A. Create an Office of Child, Youth, and Family Services in the Office of Human Development, DHEW to administer the adoption and foster care program contained in the bill and those programs currently administered by the Office of Child Development, the Community Services Administration, and the Office of Youth Development.

B. Provide grants to the states to facilitate placement of children who are or could be available for adoption. The grants would be for such services as:

(1) Pre- and post-placement services to adoptive families,
(2) Adoptive subsidies or maintenance payments.

The plan for using these grants should be included in the state plan required under Title XX and reviewed by OCYFS.

Funds should be authorized to assist states in the implementation of their plans under this legislation. Since the service features of the plan will be supported under Title XX, these funds would be used for other aspects of the state plan; e.g. adoption subsidies. An initial authorization of $100 million should be granted to the states allocated by a formula based on the number of children in a state, divided by the total number of children in the United States and its territories.

There should be a provision for reallocating unused portions of state allotments to states with more ambitious programs. The matching ratio of Federal to state contributions should be three to one.

In addition, the bill should authorize planning grants for the states not to exceed $100,000 per state. These grants should be given to enable the states to develop their plans to meet the goals under this legislation, which will also be included in their Title

XX plan. These planning grants should be authorized for one year only.

This bill should include a statewideness requirement for the use of these grants.

C. Provide for a clearinghouse for information and technical assistance in OCYFS that would have the following functions:

(1) Collect, review, and evaluate data from the states on their progress toward the goals in this legislation;

(2) Operate a national foster care and adoption information system. This system would contain a national adoption exchange capability. The clearinghouse would develop standard data elements for use in state reporting systems. It should also have an advisory committee composed of representatives from federal, state, and local government agencies and from the private sector.

(3) Prepare an annual report on trends in foster care, adoption, and family dissolution;

(4) Provide for evaluations of state and local adoption and family intervention programs;

(5) Collect and disseminate via publication or other types of technical assistance to practitioners information on program innovations and evaluations.

D. OCFYS should operate a research and demonstration program that is linked to the goals of this legislation and to the further development of those goals.

The "Opportunities for Adoption Act" could be used as a basis for new legislation. If it is, the following minimal amendments should be made in that bill in order to meet the specifications described above:

1. Add the goals discussed in this report to Section 1400.

2. Delete all references to agencies or positions within DHEW other than to the Secretary. It should be made clear that the legislative intent is to bring the agencies administering Titles IV-B and XX into closer working relationships with each other and with this adoption program. This approach would permit the Secretary of DHEW to make the most appropriate organizational arrangement.

3. Provide planning grants to the states for the purposes of developing integrated plans for child and family services which include this Adoption Assistance Program, Title XX, Title IV-B, Title XVI, and Title XIX.

4. Provide for the reallocation of the unused portions of the Section 1402 grants to the states to those states with more ambitious programs.

5. Include a statewideness requirement for the use of these grants.

6. Add to the list of functions of the National Office of Adoption Information and Services the development and implementation of a research and demonstration program that is linked to the goals of the legislation.

7. Amend Title XX of the Social Security Act (Sec. 2002) to add to the third goal—"to prevent family breakup by assisting families to cope with their own problems, or if breakup should occur, to mobilize services to restore the family."

8. Amend Title XIX of the Social Security Act to vest Medicaid eligibility in the child where such vesting is a factor in making an adoption.

## BIBLIOGRAPHY

1. Alderman, Alice, National Center for Social Statistics, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare. Telephone conversation, June 28, 1974.
2. *Adoption Project '72*, DSS Publication 174 (5–73), State of Michigan Department of Social Services, 1973.
3. *Adoptions in 1971*, National Center for Social Statistics, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C.: May 23, 1973 (DHEW Publication No. SRS 73–03259).
4. *Biennial Report 1970–71/1971–72*, County of Los Angeles, Department of Adoptions, 1972.
5. *Child Welfare Statistics, 1969*, National Center for Social Statistics, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Washington, D.C.
6. *Cost Analysis of Social Services Fiscal Year 1972: An Update of the Cost Analysis of Social Services for FY 1971*, U.S. Department of Health, Education, and Welfare, Washington, D.C.: February 2, 1973.
7. Cunningham, Maurice, Community Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare. Telephone conversation, June 27, 1974.
8. Fanshel, David, "Child Welfare", in Henry S. Maas, Ed., *Five Fields of Social Service: Reviews of Research*, New York: National Association of Social Workers, Inc., 1966, pp. 85–144.
9. Fanshel, David, "The Exit of Children from Foster Care: An Interim Research Report", *Child Welfare*, Vol. 50, No. 5 (February 1971), pp. 65–81.
10. Fanshel, David and Eugene Shinn, *Dollars and Sense in the Foster Care of Children—A Look at Cost Factors*, New York: Child Welfare League of America Inc., 1972.
11. Garrett, Beatrice, Children's Bureau, Office of Child Development, U.S. Department of Health, Education, and Welfare. Telephone conversation, June 27, 1974.
12. Goldstein, Joseph, Anna Freud, Alfred J. Solnit, *Beyond the Best Interests of the Child*, New York: Macmillan Publishing Co., 1973.
13. Grow, Lucille J. and Michael J. Smith, *Board Rates for Foster Family Care, June 1, 1970*, New York: Research Center, Child Welfare League of America, Inc., December 1970.
14. Gruber, Alan P., *A Study of Children—Their Biological and Foster Parents*, Commonwealth of Massachusetts, Governor's Commission on Adoption and Foster Care, 1973.
15. Hunt, Roberta, *Obstacles to Interstate Adoption*, New York: Child Welfare League of America, Inc., August 1972.
16. Jenkins, Shirley and Mignon Sauber, *Paths to Child Placement—Family Situations Prior to Foster Care*, New York: Community Council of Greater New York, 1966.
17. Jeter, Helen R., *Children, Problems and Services in Child Welfare Programs*, (Children's Bureau Publication, No. 403), Washington, D.C., U.S. Department of Health, Education, and Welfare, 1963.
18. Kadushin, Alfred, "Child Welfare", in Henry S. Maas, Ed., *Research in the Social Services: A Five-Year Review*, New York: National Association of Social Workers, Inc., 1971, pp. 13–69.
19. Maas, Henry S., "Children in Long Term Foster Care", *Child Welfare*, Vol. 48, No. 6, (June 1969) pp. 321–333.
20. Maas, Henry S. and Engler, Richard, E. Jr., *Children in Need of Parents*, New York: Columbia University Press, 1959.
21. "National Survey of Black Children Adopted in 1972", *Opportunity*, Portland, Oregon: September 18, 1973. Mimeographed Fact Sheet.
22. Oliphant, Winford, *AFDC Foster Care: Problems and Recommendations*, New York: Child Welfare League of America, Inc. 1974.

23. Oliphant, Winford, "Observations on Administration of Social Services in the States", *Child Welfare*, Vol. 53, No. 5 (May, 1974) pp. 279–285.
24. *Report on Foster Care: Children Waiting*, Sacramento, California: State Welfare Board, September 1972.
25. Smith, Shirley A., *A Study of Children in Foster Care 15 Months or Longer*, Springfield, Illinois: Illinois, Department of Children and Family Services, August 15, 1971.
26. Stone, Helen D., *Reflections on Foster Care, A Report of a National Survey of Attitudes and Practices*, New York: Child Welfare League of America Inc., 1969.
27. *Study of Children in 100 Families Who Were Returned Home from Temporary Care*, New York: Children's Aid Society, 1958.
28. "Summary Report: Final Natality Statistics, 1971," *Monthly Vital Statistics Report*, from the National Center for Health Statistics, U.S. Department of Health, Education, and Welfare, Public Health Service, Vol. 23, No. 3, Supplement (3), June 7, 1974. (H.R.A. 74-1120).
29. Taylor, Delores A. and Starr, Philip, "Foster Parenting: An Integrative Review of the Literature", *Child Welfare*, Vol. 46 (July 1967) p. 375–378.
30. "Trends in Foster Care in New York City 1960–1973 Highlights", Community Council of Greater New York, *Research Note*, No. 12 (March 1, 1974).
31. Vaughn, James K. and Rubye Benson Riley, *The Status of Child Welfare Services in the Southeast—1974*, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, Region IV, May 1, 1974, mimeographed.
32. *Vermont Committed Children Study, Recommendations*, Volume IV, Agency of Human Services, Office of the Secretary, Montpelier, Vermont, August, 1973.
33. Reid, Joseph, Executive Director, Child Welfare League of America. Personal Communication, July 24, 1974.

○